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HISTORY
or
EASTERN VERMONT.

HISTORY
OF
EASTERN VERMONT,

**FROM ITS EARLIEST SETTLEMENT TO THE CLOSE
OF THE EIGHTEENTH CENTURY.**

WITH A BIOGRAPHICAL CHAPTER AND APPENDIXES.

BY
BENJAMIN H. HALL.

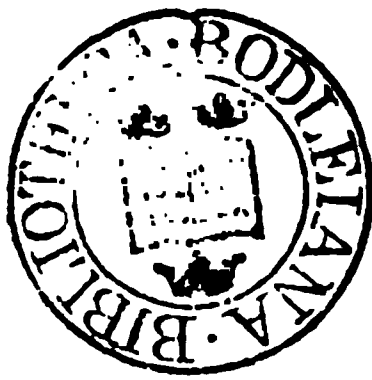
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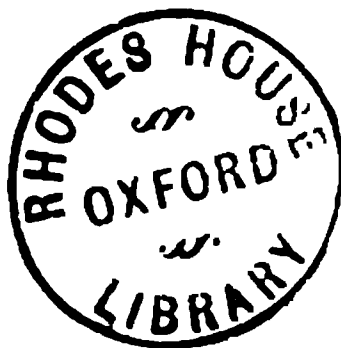
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P R E F A C E .

WHEN, six years ago, I began to make researches for the purpose of ascertaining at what time the first settlements were made in Vermont, on the banks of the Connecticut river, by the whites, it was my intention, if I put pen to paper, to write but a small book, and to treat only of the southeastern portions of the state. As I continued my investigations, I became convinced that it would be very difficult to carry out this plan in an intelligible manner, without introducing into my contemplated work much that would appear too general for its narrow limits. At the same time, I discovered that the disputes in which New York, New Hampshire, and Vermont were so long engaged respecting the jurisdiction of the latter state, exerted an influence at the time, which told on the progress and development of every town and village and hamlet in Vermont. I then sought for some publication containing a clear and full statement of these disputes. My search was unrewarded. I found that the Natural and Civil History of Vermont, by the learned Dr. Samuel Williams, was more particularly devoted to the discussion of questions of a scientific nature, and to a general account of the condition of the northern frontier of the United States, than to a specific description of the settlement and growth of Vermont. I found that the Natural and Political History of the State of Vermont, prepared by Col. Ira Allen, while in London, and printed at a London press, abounded in inaccuracies, and was only minute in the narration of affairs with which the author had been connected. I found that the Descriptive Sketch of the Present State of Vermont, by Dr. John Andrew Graham, was little else than a collection of unreliable, gossiping, entertaining letters, written more for self-gratification than to subserve any worthy or permanent interest. In the carefully collated History of Vermont, Natural, Civil, and Statistical, by the late Prof. Zadock Thompson, I found the evidences of thorough research and patient investiga-

tion, and much information illustrative of the natural resources of Vermont.

Failing in these efforts to find a clear statement of the subject on which I desired light, I judged it necessary to extend my own examination to sources hitherto undeveloped, and to accompany whatever I might write with an outline sketch of the jurisdictional controversy already referred to, that so the reader might not be ignorant of the causes which led to the internal commotions with which Vermont was for many years afflicted. Becoming convinced that the connection between the early history of the towns in the southeastern part of Vermont, was much closer than I had anticipated, I determined to enlarge my work so as to include in it the annals of the old counties of Cumberland and Gloucester. Having reached this stage in my proceedings, I was led to fix the western limit of my historical bailiwick at the Green Mountains, the natural division of Vermont.

In the pages that follow, I think I have rescued from oblivion many facts which the lover of American history will rejoice to know. The work, it is true, is local, but in it are described the character and deeds of a people who were pioneers in the march of civilization, patriots in the day of danger, useful citizens in the time of peace. In the preparation of this volume, I have collected a mass of unedited materials, from which the task would be comparatively easy, to construct a history of the whole state. Such a history should contain, not only a narrative of all the warlike events which have occurred within the limits of Vermont, but a full account, also, of the controversy for jurisdiction, which began in 1749 and closed in 1791; of the skilfully designed but unsuccessful diplomatic efforts of the British government in Canada, for more than two years previous to the peace of 1783, to reduce Vermont to the condition of a Crown dependency; of the struggles of Vermont for her own separate independence; and of the manner in which, unaided by Congress, she maintained her name, her rank, and her honor unsullied, until admitted into the Union as a sovereign state. Should an interest be hereafter awakened in the minds of the citizens of Vermont, to know more of the thoughts and acts of their virtuous, manly, and independent ancestry—an ancestry which I am proud to claim as my own—I shall not deny myself the pleasure of aiding in increasing that knowledge.

By far the largest part of this volume has been prepared from papers which have never before been consulted for their historic value. In the offices of the Secretaries of the states of Vermont, New York, New Hampshire, Massachusetts, and Connecticut, thorough and critical examinations have been made of the documents and papers which are there preserved. The twenty-three

large volumes, called the "George Clinton Papers," which have been lately added to the New York State Library, at Albany, have been diligently consulted, and from them has been drawn much information that has never until now been made public. The letters and memoranda contained in these well arranged and carefully indexed volumes are invaluable to the historian, not only of New York but of Vermont also.

To the Hon. William C. Bradley, of Westminster, a statesman, a lawyer, and a man of letters, whose learning and ability have for a half century been the boast of his native state, I would make my grateful acknowledgments for the many personal recollections and family papers he has placed at my service, without which, indeed, this work would have been incomplete in many particulars. From the Hon. James H. Phelps, of West Townshend, I have received much aid and encouragement, and many MSS. of importance relating to the part which his ancestors bore in the intestine struggles that so long disturbed the peace of the state. For these manifestations of his kindness, and for the active interest he has ever evinced in the success of my labors, I own my obligation. I would also express my appreciation of the value of the assistance I have received from the Hon. Ferrand F. Merrill, of Montpelier, the Hon. William M. Pingry, of Bethel, and other citizens of Vermont, whose services I may not have elsewhere acknowledged. To the skilful pencil of Larkin G. Mead Jr., Esq., of Brattleborough, I am indebted for the drawings from which have been engraved several of the illustrations which adorn the work.

I cannot but indulge a hope that not only those who still remain among the hills and valleys of their native state, but those also who have wandered from the old roof-tree to find a home in the different sections of the Union, may receive some gratification from the perusal of the history of their ancestors.

Troy, N. Y., July 30th, 1857.

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CHAPTER I.

FIRST SETTLEMENTS.

Early Divisions of Eastern Vermont—Cumberland County—Gloucester County—Champlain's Voyage—Squakheag or Northfield—Philip's Wars—Indian Incursions—King William's War—Burning of Deerfield—The March to Canada—Attempts of the English to reduce Canada—Port Royal captured—Treaty of Utrecht—Equivalent Lands—Great Meadow—Order to build a Block House above Northfield—Timothy Dwight—Fort Dummer—Its Defences—Indian Soldiers—Chaplain—Joseph Kellogg—Scouting Parties—Skirmishes—Peltry Trade at Fort Dummer—Journal of James Coss—Rev. Ebenezer Hinsdell—"Scaticook" and Caughnawaga Indians—Treaty at Fort Dummer.

VERMONT is divided into fourteen counties. Of these Windsor and Windham, situated in the south-eastern part of the state, comprehend nearly the same territory that under the government of New York was known, during a part of the last century, by the name of Cumberland county. This county was the first established in Vermont, then called the New Hampshire Grants, and probably received its name from Prince William the Duke of Cumberland, who in 1746 met with distinguished success in opposing the rebels in Scotland.

Its boundaries, as declared in the act of establishment passed by the Legislature of the province of New York, on the 3d of July, 1766, were described as "beginning at the west bank of Connecticut river, opposite to where the division line between the province of the Massachusetts Bay comes to the aforesaid river; thence running on a direct line, about twenty-six miles, to the south-east corner of the township of Stamford; from thence, on a direct line, about sixty miles, to the north-east corner of the township of Rutland; thence north, thirty-one degrees east, eighteen miles; thence easterly, to the north-west corner of the township of Linfield;* thence easterly, along the north side of

* Now the township of Royalton.

the townships of Linfield, Sharon, and Norwich, to Connecticut river aforesaid ; thence, along the west bank of the said river, to the place of beginning."

When the subject was brought before the Lords of the Privy Council, in order that the "royal approbation or disallowance" might be signified, the King, on the 26th of June, 1767, declared the act of the New York Legislature by which the county of Cumberland was established, void, and the Governor of the province of New York was ordered to act in accordance with this decision. Numerous applications were now made to the Crown for a new charter, and the inconveniences to which the inhabitants of the disfranchised county were subjected, through the want of a due administration of justice, were plainly set forth. In consequence of these representations, the King, on the 19th of March, 1768, re-established the county of Cumberland, by Letters Patent under the Great Seal of the Province of New York, within the following limits :—

"Beginning at a point on the west bank of Connecticut river, opposite to where the line run for the partition line between our said provinces of the Massachusetts Bay and New Hampshire, touches the east side of the same river, and running thence west, ten degrees north on a direct line about twenty-six miles to the south-east corner of a tract of land called Stamford ; thence north, about thirteen degrees east on a direct line fifty-six miles to the south-east corner of the township of Socialborough in the county of Albany, in the south bounds of a tract of land formerly called Rutland ; thence north, about fifty-three degrees east on a direct line thirty miles to the south-west corner of the township of Tunbridge ; thence along the south bounds thereof and of Stratford and Thetford about eighteen miles to Connecticut river aforesaid, and thence along the west banks of the same river to the place of beginning."

By an act of the Legislature of New York, passed March 24th, 1772, the boundaries were again changed, as will appear from a description of the limits then constituted. "Beginning on the west bank of Connecticut river opposite the point where the partition line between the colonies of the Massachusetts Bay and New Hampshire, touches the east side of the river, and extending from thence north eighty degrees west until such line shall meet with and be intersected by another line proceeding on a course south ten degrees west from the north-west corner of a tract of land granted under the Great Seal of this colony, on

the 4th day of September, 1770, to James Abeel, and nine other persons, and extending from the said point of intersection, north ten degrees east until such line shall meet with and be intersected by another line to be drawn on a course north sixty degrees west from the south-west corner of a tract of land granted under the Great Seal of this colony, on the 13th day of November, A.D. 1769, and erected into a township by the name of Royalton, and running from the last-mentioned point of intersection south sixty degrees east to the west bank of Connecticut river, and so down along the west bank of the river, as the same river winds and turns to the place of beginning."

On the 1st of April, 1775, other alterations were made, and the western portion of the county was so extended as to be bounded by a "line, beginning in the north boundary line of the province of Massachusetts Bay, at the south-west corner of the township of Readesborough, and running thence along part of the westerly bounds thereof, to a certain tract of land, granted to George Brewerton, Junior, and others, and erected into a township by the name of Leinster; thence along the southerly and westerly bounds of the said tract of land, to the north-west corner of the same; thence on a direct course to the south-easterly corner of the township of Princetown; thence along the easterly bounds of the same tract, as it runs to the north-easterly corner thereof; and thence on a direct course to the southerly corner bounds of the township of Hulton, where it meets with and is intersected by the west boundary line of the county of Cumberland, as established" by former acts. By this change, the townships of Readesborough, and what are now Searsborough, Somerset, and Stratton, were added to Cumberland county.

At the first session of the General Assembly of Vermont in 1778, the state was, on the 17th of March, divided into two counties. The territory lying on the west side of the Green Mountains was called Bennington county, and that on the east side, Unity county. The latter name was on the 21st of the same month changed, and that of Cumberland was substituted. By an act of the Legislature, passed February 11th, 1779, the division line between these two counties was fixed. Commencing at a point in the south line of the province of Quebec, fifty miles east of the centre of the deepest channel of Lake Champlain, it extended south to the north-east corner of the

town of Worcester, and along the east lines of Worcester, Middlesex, and Berlin, to the south-east corner of the latter town; thence on a straight line to the north-west corner of Tunbridge, and on the west line of Tunbridge to the south-west corner of that town; thence in a straight line to the north-west corner of Barnard;* thence on the west line of Barnard and Bridgewater and the east line of Shrewsbury to the south-east corner thereof; thence west to the north-east corner of Wallingford; thence south on the east lines of Wallingford, Harwich,† Bromley,‡ Winhall, and Stratton, to the south-east corner of the latter, and west on the south line of Stratton to the north-west corner of Somerset; thence south on the west line of Somerset to the south-west corner thereof; thence east to the north-west corner of Draper;§ thence south on the west lines of Draper and Cumberland|| to the north line of Massachusetts. Cumberland county was bounded on the south by the north line of Massachusetts, on the east by Connecticut river, and on the north by the south line of the province of Quebec.

In the laws of Vermont, passed October, 1780, the county of Cumberland, as just described, was referred to as being divided into the half-shires of Cumberland and Gloucester, the division line between them being nearly identical with the northern boundary of what is now Windsor county. By an act of the General Assembly of Vermont, passed in February, 1781, "for the division of counties within this state," the county of Cumberland, as established in 1778 and 1779, was subdivided into the counties of Windham, Windsor, and Orange. Connecticut river being the eastern boundary, and the division line on the west from Quebec to Massachusetts, remaining as fixed in February, 1779, all the land south of a line "beginning at the south-east corner of Springfield, thence running westerly on the south line of said Springfield and Chester to the east line of Bennington county," was erected into the county of Windham. The land included between the north line of Windham county, and the north lines of the towns of Norwich, Sharon, Royalton, and Bethel, was called Windsor county. Orange county comprehended all north of this to the Quebec line. Various changes have since been made in the limits of Wind-

* In the printed act Bradford. Barnard was undoubtedly intended.

† Now Mount Tabor.

‡ Now Peru.

§ Now Wilmington.

| Now Whitingham.

ham and Windsor counties, by the addition of towns, and from other causes which it will be of but little benefit to record here.

After the second establishment of Cumberland county by New York in 1768, immigration to the "Grants" increased, and the north-eastern part of that territory became the abode of a mixed and heterogeneous population. The more peaceable and intelligent portion of the inhabitants, being desirous of a county organization, presented their request to the Council of New York, and on the 16th of March, 1770, an ordinance was passed, establishing as a separate county, by the name of Gloucester, "all that certain tract or district of land, situate, lying, and being to the northward of the county of Cumberland, beginning at the north-west corner of the said county of Cumberland, and thence running north as the needle points fifty miles; thence east to Connecticut river; thence along the west bank of the same river, as it runs, to the north-east corner of the said county of Cumberland on the said river, and thence along the north bounds of the said county of Cumberland to the place of beginning."

On the 24th of March, 1772, by an act "for the better ascertaining the boundaries of the counties of Cumberland and Gloucester," these limits were changed, and thenceforth Gloucester county was bounded "on the south by the north bounds of the county of Cumberland; on the east by the east bounds of this colony; on the north by the north bounds thereof; on the west, and north-west, partly by a line to be drawn from the north-west corner of the said county of Cumberland, on a course north ten degrees east, until such line shall meet with and be intersected by another line proceeding on an east course from the south bank of the mouth of Otter creek, and partly by another line to be drawn and continued from the said last mentioned point of intersection, on a course north fifty degrees east, until it meets with and terminates at the said north bounds of the colony."

After the establishment of Vermont as a "separate and independent" jurisdiction, the counties of Cumberland and Gloucester, by an act of the Legislature, passed March 17th, 1778, were merged under the name of the county of Unity, which name was changed to Cumberland on the 21st. This large county, comprising the whole of Eastern Vermont, was subdivided in February, 1781, and Windham and Windsor counties

were established with limits nearly identical with those by which they are now bounded. At the same time, the remainder of the territory east of the mountains, and extending to the Canada line, was formed into a county by the name of Orange. From Orange county, Essex and Caledonia counties and a portion of Orleans county were taken on the 5th of November, 1792. At a later period other encroachments were made by the formation of Washington county; and thus, by gradual curtailment, Orange has been reduced to its present limits.

It will be seen by the boundaries which have been recited, that much doubt prevailed as to the true western line of Cumberland and Gloucester counties. Certainty on this point is of but little consequence, except geographically, as the events which form the HISTORY OF EASTERN VERMONT were mostly confined to the towns lying east of those composing the most western tier.*

The territory now comprising the state of Vermont, although noticed by Champlain in his voyage in 1609, when he discovered the lake that bears his name, was probably never visited by him. In the account which he gave of the exploration of Lake Champlain, passing reference is made to the Green Mountains and to the plains which lie at their foot. "Continuing our route along the west side of the lake, contemplating the country, I saw," said he, "on the east side very high mountains capped with snow. I asked the Indians if those parts were inhabited. They answered me, yes, and that they [the inhabitants] were Iroquois, and that there were in those parts beautiful vallies, and fields fertile in corn as good as I had ever eaten in the country, with an infinitude of other fruits, and that the lake extended close to the mountains, which were, according to my judgment, fifteen leagues from us. I saw others to the south not less high than the former; only that they were without snow." This is undoubtedly the first information on record in regard to the scenery, condition, and inhabitants of Vermont, and like the accounts which were generally given by the Indians to the early travellers in the New World, contains, in some

* Book of Council Minutes, 1751-1768, xxvi. 442: also, 1764-1772, xxix. 250. Act of 12th George III, in Laws of New York, 1691-1778, Van Schaack's ed., pp. 698-700. Act of 15th George III, in New York Colony Laws, 1774, 1775, pp. 127, 128. Acts and Laws of General Assembly of Vermont, February 11, 1779, p. 7. Also, those of February, 1781, p. 1. Brattleboro' Eagle, June 10, 1850, and September 27, 1849. Slade's Vermont State Papers, pp. 294, 295.

particulars at least, the usual amount of exaggeration and fancy.*

Owing to the comparatively small immigration, and the difficulties incident to a new and dangerous mode of life, settlements did not extend very rapidly; and it was not until more than sixty years had passed, that any settlement was made within the territory which Champlain described, either from the lake side or from the banks of Connecticut river. In the year 1672, a township was granted to John Pyncheon, Mr. Pearson, and others, at Squakheag, afterwards Northfield, on Connecticut river, and in 1673, a few people removed there from Northampton, Hadley, and Hatfield. The township was laid out on both sides of the river, and inclosed an area of six miles by twelve, extending several miles into the present states of Vermont and New Hampshire, and including a valuable tract of interval land. The northern boundary of Massachusetts being undetermined at that time, the whole of this town was supposed to be within that province.†

For several years preceding the settlement of Northfield, the Massachusetts Indians had carried on a war with the Mohawk tribe who dwelt on the banks of the river of that name in the province of New York. As the English extended their boundaries, the enmity of the Indians towards one another seemed partially to abate, and centre upon those whom they regarded as their natural foes. The war of Philip, which raged most fiercely during the latter part of 1675, was characterized by the savageness and determination with which the red man hunted the white, and the white man, in turn, attacked the red. To detail the events of this period, would be foreign to the purpose of this work, as it would involve the recital of acts but little connected with the history of the territory afterwards known as Vermont. It may not, however, be out of place to refer to some of the incidents which occurred within the limits of Northfield. Philip, having made an attack upon Swanzey, on the 24th of June,

* Doc. Hist. N. Y., iii. 6.

† "A deed to William Clark and John King, of Northampton, agents for the proprietors of Northfield, covering the grant, was made August 18th, 1687, by Nawelet, Gongegua, Aspiambelet, Addarawanset, and Meganichcha, Indians of the place, in consideration of 'two hundred fathoms of wampum, and fifty-seven pounds in trading goods.' It was signed with the marks of the grantors, and witnessed by Jonathan Hunt, Preserved Clap, William Clark, Jr., Peter Jethro, Joseph Atherton, and Israel Chauncey." Northfield Town Book in Hoyt's Indian Wars, pp. 77, 78

1675, deserted Mount Hope, his favorite retreat, and was immediately pursued by Capt. Benjamin Church, and others, conspicuous as leaders at that time. With the removal of Philip, the scene of the war was changed from the neighborhood of Plymouth; and Lancaster, Marlborough, and Brookfield, towns in the more inland parts of Massachusetts, soon began to suffer from the incursions of the Indians. After they had burned Brookfield, a large military force was stationed at that place, under the command of Major Simon Willard, and the country adjacent being thoroughly scoured by detached parties, the Indians fled westward and joined their allies at Deerfield. Small garrisons were now posted at Northampton, Hatfield, Deerfield, and Northfield; and Hadley was made "the English head-quarters for this part of the country." But no vigilance could ward off the invasions of the Indians. Deerfield, slightly guarded, was attacked on the 1st of September, 1675, and before assistance could be brought, one man had been killed and several houses burned. Shortly after, nine or ten persons were killed in the woods at Northfield, and a garrisoned house saved the lives of a larger number, who otherwise would have been exposed to a similar fate. For some time after, these two towns were wholly deserted by the English, and served as rendezvous for the Indians. Depredations were now constantly recurring, and scarcely a day passed that did not record some story of pillage or slaughter. An expedition for the purpose of driving the Indians from Northfield was at length decided upon, and the Connecticut and Massachusetts commanders having joined their forces, proceeded up Connecticut river in two columns, one on either bank. They destroyed quantities of fish and other articles which the Indians had collected and concealed; saw the places where the Indians had tortured and burned their captives, and the very stakes to which these captives had been tied. Of the living enemy, they made no discovery, but the effective measures taken, proved of great security to the towns on Connecticut river.

With the death of Philip, departed the power which had given life and direction to the enmity of many of the Indians. Some of the settlers who had been driven from their homes on the Connecticut, now returned; but the Indians in the northwestern parts of Massachusetts, who had not depended upon Philip as a leader, still continued their depredations. Some of these tribes having attacked Hatfield on the 19th of September,

1677, were pursued by the English. Resting one night at Northfield, they continued their retreat northward, and at a place in the neighborhood of the present town of Rockingham, Vermont, built a cabin, where, secure from the scouting parties of the whites, they remained for some time.

From the year 1689, when the French papists began to spread their doctrines among the Indians in Canada, until the year 1763, the border settlements on the Connecticut and Merrimack rivers were constantly exposed to the ravages of the French and Canada Indians, and the territory of Vermont would have become the seat of war, had there been attractions enough within her borders to excite the feeling of lust, or wealth sufficient to arouse the desire of plunder. Poor as they were, her early settlers patiently bore their share of suffering and violence; manfully sustained the attacks of the enemy, and cheerfully contributed their quota of men and arms for defence. The peace of Ryswick, signed in September, 1697, and proclaimed at Boston on the 10th of December following, closed the war between England and France, but it did not put a stop to incursions against the English colonies. Among the incidents which occurred at this period, the following, related by Hoyt, may be mentioned. One evening in the month of July, 1698, a short time before sunset, "a small party of Indians killed a man and boy in Hatfield meadow, on Connecticut river, and captured two lads, Samuel Dickinson, and one Charley, put them on board of canoes, and proceeded up the river. The intelligence being received at Deerfield, thirteen miles above, twelve men were detached from that place, to intercept the Indians."

Advancing about twenty miles, they chose a favorable spot on the right bank of the river, within the present town of Vernon. Here they lay till morning, "when they discovered the Indians coming up near the opposite bank with the captured lads, in two canoes. Carefully marking their objects, the whole party gave the Indians an unexpected fire, by which one was wounded. The others, with one of the lads, leaped from the canoes, and gained the shore. They then attempted to kill the lads, but receiving another well directed fire, they fell back, on which the lad on shore joined his companion in the canoe, and both escaped across the river to their deliverers. Five or six of the party then embarked with the design of seizing the other canoe, which at this time had lodged on an island a little

below. Two Indians who lay secreted not far distant, fired and killed Nathaniel Pomroy, one of the party. The Indians then retired into the woods, and the English returned to Deerfield.”*

On the death of William III. of England in 1702, and the accession of Anne to the throne, war was again declared between France and England, and as a natural consequence, between the French and English colonies in America. Northfield, at the commencement of King William's war, had been protected by small works, and occupied by a few settlers. The people having been compelled to abandon it, the houses and forts were destroyed by the Indians, and the place was not re-occupied at the beginning of Queen Anne's war. Intelligence was received in the summer of 1703, that an attack was to be made on the frontier towns, and the truth of the report was soon after fully realized. In the winter of 1704, Major Hertel de Rouville, aided by his two brothers, and a force of two hundred French, and one hundred and forty-two Indians, set out from Canada for the purpose of attacking Deerfield, then one of the most flourishing, and with the exception of Northfield, the most northern town in Massachusetts. Proceeding up Lake Champlain to the mouth of Winooski river, and following up that stream, they crossed over to Connecticut river, down which they passed on the ice, and reached Deerfield on the evening of the 29th of February. At midnight the attack was made, and by sunrise they had killed forty-seven of the inhabitants, taken one hundred and twelve captive, and burned every building in the town, with the exception of the meeting-house, and one dwelling. The story of the capture of the Reverend John Williams, the minister of this town, and his family, has long been familiar to every American schoolboy, and its fame has now become world-wide as connected with the late attempt to identify the Reverend Eleazer Williams, the reputed great-great-grandson of the Reverend John Williams, and Louis XVII. the dauphin of France, whose fate has been so long shrouded in obscurity.

During their march to Canada, the captives suffered the most cruel privations. They rested at the close of their first day's journey, at what is now the town of Greenfield, the Indians having first taken every precaution available to prevent

* Hoyt's Indian Wars, p. 161.

their escape. The second night was spent within the limits of the present town of Bernardston. The fourth day brought them to a spot probably in the upper part of what is now the town of Brattleborough, where light sledges were constructed for the conveyance of the children, the sick and wounded. The march, being now performed on the ice, became more rapid. On the first Sunday of their captivity, the prisoners were allowed to rest. Their halting-place is said to have been at the mouth of Williams's river in the present town of Rockingham, where the Reverend John Williams delivered a discourse from these words: "The Lord is righteous; for I have rebelled against his commandments: hear, I pray you, all people, and behold my sorrow; my virgins and my young men are gone into captivity."* From this circumstance the river received its name. At the mouth of White river, Rouville divided his company into several parties, and thence they took different routes to the St. Lawrence. That party which Mr. Williams accompanied ascended White river, and passing the highlands struck the Winooski or Onion, then called French river. Journeying down that stream to Lake Champlain, they continued their march on the lake to Missisco bay. Thence they proceeded to the river Sorel where they built canoes, and passing down to Chambly, continued on to the village of Sorel, where some of the party remained, but Mr. Williams was conveyed thence down the St. Lawrence to the Indian village of St. François, and was subsequently sent to Quebec.

Another party ascended Connecticut river, and halting some time at Coos meadows, their provisions being exhausted, barely escaped starvation by procuring wild game; two of the party actually died of hunger. The majority of the captives were soon afterwards redeemed, and were allowed to return to their friends. One of them, however, Eunice the daughter of the Rev. John Williams, became so much attached to Indian life, that she married an Indian, and became the ancestor of the Indian branch of the Williams family.†

The enemy, emboldened by the success they had met with at Deerfield, were continually harassing the frontier settlements, and endeavoring to cut off the scouting parties which were

* Lamentations, chap. i., v. 18.

† Biographical Memoir of Rev. John Williams, Greenfield, Mass., 1837. Hoyt's Indian Wars, pp. 186-194. Williams's Hist. Vt., ed. 2d, 304-307.

sent out from them. On the 31st of July, 1704, they attacked Lancaster in Massachusetts, and reduced most of the dwellings to ashes, and in the years 1705 and 1706 many towns in New Hampshire and Massachusetts suffered severely from their depredations. In order to put an end to these incursions by destroying the sources whence they emanated, an army was sent in 1707 against Port Royal in Canada, but the issue was unsuccessful, and the troops returned home, having effected nothing of importance. The next year Hertel de Rouville, at the head of a party of French and Indians, plundered and burnt the town of Haverhill in Massachusetts on the 29th of August, killed about forty of the inhabitants, and took a large number of them captive. Not long after, as a scouting party from Deerfield was returning from White river in the present state of Vermont, one of its members, Barber by name, was killed by the Indians, and another, Martin Kellogg Jr., was captured.

Calling into service a larger body of troops, the British government again resolved, in 1709, on the reduction of Canada. The event of this attempt was like that of the former. The English squadron did not arrive, and the New York forces being greatly lessened in numbers by sickness, the expedition proved a complete failure. The French, notwithstanding the threatened invasion of Canada, kept small parties of Indians on the English frontiers. By some one of these straggling forces Lieut. John Wells and John Burt, while on a scouting expedition, were, in May, 1709, killed in a skirmish on Onion river in the present state of Vermont. Enraged at this loss, the scout to which they belonged penetrated to Lake Champlain, and killed several of the enemy. In June of the same year another attack was made on Deerfield by a force of one hundred and eighty French and Indians, under the command of one of the De Rouvilles, but on account of the vigilance of the inhabitants the effort proved unsuccessful. In 1710 an armament raised in Massachusetts, New Hampshire, and Connecticut, in conjunction with forces from England, all commanded by Colonel Nicholson, sailed from Boston, besieged and captured Port Royal, and changed the name to Annapolis.

During the year 1711 another expedition was fitted out against Canada. The fleet accompanying it sailed from Boston on the 30th of July, but was wrecked at the mouth of the St. Lawrence on the 25th of August following. As the result of this disaster, by which a thousand lives were lost, the expedi-

tion, the third which had been made against Canada in the space of four years, was abandoned. The treaty of Utrecht was signed on the 11th of April, 1713, and on the 29th of the following October, was proclaimed at Boston. A formal peace was made with the Indians on the 11th of July, 1714, at Portsmouth, New Hampshire, and for a few years the land had rest from war.*

Previous to, and during the late wars, the General Court of the Province of the Massachusetts Bay had granted several large tracts of land, which were supposed to be situated within the provincial limits. Upon this presumption these tracts had been taken up and surveyed by the grantees, and many of them had already become the centres of permanent and flourishing settlements. On determining the boundaries between this province and the colony of Connecticut, in the year 1713, 107,793 acres of the land so granted, were found to be without the true limits of the former government. Massachusetts, wishing to retain all the territory which she had hitherto supposed her own, entered into an agreement with her sister colony, in accordance with which it was determined, "that the said colony of Connecticut should have 107,793 acres of land as an *equivalent* to the said colony for lands allowed and granted to belong to the said province, that fall to the southward of the line lately run between the said province and colony." Although the southern boundary of Massachusetts was fixed by this determination, yet it was still uncertain how far her territory extended to the north.

The equivalent lands were located in four different places. One of the portions containing 43,943 acres, situated above Northfield, on the west bank of Connecticut river, within the bounds of the present towns of Putney, Dummerston, and Brattleborough, in the state of Vermont, was limited in the following manner: "The north east corner boundary is the mouth of the brook, at the northward end of the Great Meadow, where s^d brook emptieth itself into Connecticut river att the foot of Tayler's island, from whence it bounds upon Connecticut river (as the river runs,) eastwardly down to the mouth of the brook that emptieth itself into Connecticutt river att the lower end of the Meadow, about three miles southward of the West river. And from the mouth of s^d brook it extends west north west by the needle of the surveying instrument six miles and half and from

* Hoyt's Indian Wars, pp. 196-203.

thence it extends nearest north north east by the needle of the surveying instrument twelve miles, which is the westerly boundary of s^d lands, and from thence it extends east south east by the needle of the surveying instrument six miles and half to the mouth of the brook at the uper end of the Great Meadow.”*

The colony of Connecticut, having received all the land to which she was entitled, caused it to be sold in Hartford at public vendue, on the 24th and 25th of April, 1716. It was divided into sixteen shares, and was bought by gentlemen from Connecticut, Massachusetts, and London, who paid for it six hundred and eighty-three pounds, New England currency, which amounted to “a little more than a farthing per acre.” The money thus obtained was applied to the use of Yale College.†

The purchasers of the land, being then tenants in common, made partition of the whole amount, and the tract situated above Northfield, on the west bank of Connecticut river, fell to William Dummer, afterwards Lieutenant Governor of Massachusetts, Anthony Stoddard, William Brattle, and John White. By a deed from the Honorable Gurdon Saltonstall, Governor of Connecticut, and the rest of the proprietors, this tract was conveyed to the four above named gentlemen, “as their part and proportion,” and was by them, and those holding under them, improved and possessed for many years.‡

The colonies being now at peace with the Indians, the frontier settlements began to assume a more prosperous appearance, and the losses which had been sustained by the ravages of the enemy were in a great measure repaired. But by the time that affairs had become so arranged as to invite immigration, and warrant the safety of new settlements, Massachusetts and New Hampshire were again compelled to prepare to defend their borders against the Indians. By the instigations of Sebastian Rale, a French Jesuit, who had gained the esteem and respect of the Indians, they, in 1721, began their usual depredations, and the next year war was declared against them by Massachusetts.

Northfield and Deerfield were still the frontiers of this pro-

* Records in the office of the Secretary of the State of Connecticut, entitled, “Colonial Boundaries, vol. iii., Massachusetts, 1670–1827.”

† See Appendix A. Trumbull's History of Connecticut, i. 471. Williams's History of Vermont, ii. 10. Doc. Hist. N. Y., iv. 547, 548.

‡ Petition of Joseph Bryant, dated August 11th, 1766, in office of the Sec. State N. Y., Land Papers, 1766, vol. xxi.

vince on Connecticut river, and these, with other exposed towns, were rendered defensible against the attacks of the enemy. In order more effectually to secure the safety of the inhabitants, the General Court of the province of the Massachusetts Bay voted, on the 27th of December, 1723, "that it will be of great service to all the western frontiers, both in this and the neighboring government of Connecticut, to build a Block House, above Northfield, in the most convenient place on the lands call'd the Equivalent Lands, and to post in it 40 able men, English and Western Indians, to be employed in scouting at a good distance up Connecticut river, West river, Otter creek, and sometimes eastwardly, above great Monadnuck, for the discovery of the enemy coming towards any of the frontier towns, and that so much of the said Equivalent Lands as shall be necessary for a Block House be taken up with the consent of the owners of the said land, together with five or six acres of their interval land, to be broke up or plowed for the present use of the Western Indians, in case any of them shall think fit to bring their families thither."*

To fulfil the provisions contained in this vote, to which Lieutenant-Governor Dummer gave his assent, Col. John Stoddard† of Northampton was ordered to superintend the building of the block house. The immediate oversight of the work was committed to Lieut. Timothy Dwight,‡ who with a competent force, consisting of "four carpenters, twelve soldiers with narrow axes, and two teams," commenced operations on the 3d of February, 1724.§

Before the summer had begun the fort was so far completed,

* *Massachusetts Court Records, 1723-1725, p. 153.*

† An estimate of the character of "this distinguished man" is given in Dwight's *Travels, i. 331-335.*

‡ Lieut. Timothy Dwight of Northampton, Mass., was the first commander at Fort Dummer, and probably occupied that position from February, 1724, until the close of the year 1726. But this office did not engross his whole attention. In July and August, 1724, he superintended the erection of a fort at Northfield, and in 1725 was engaged as a surveyor. He was afterwards a Judge of Probate in the county of Hampshire, and was preceded in that station by John Stoddard of Northampton, and Samuel Partridge of Hatfield, and succeeded by Israel Williams of the latter place.

§ "It [the fort] was built by carpenters of Northfield at 5 shillings per diem, except Crowfoot [John Crowfoot, an Indian of Springfield] who received 6 shillings. The soldiers slept in the woods, and earned 2 shillings per diem besides their stated pay. The horses worked hard, eat oats and nothing else. They earned 2 shillings for service, per diem."—*Records in office Sec. State, Massachusetts, lii. 32.*

as to be habitable. It was situated on the west bank of Connecticut river, in the south-east corner of the present town of Brattleborough, on what are now called "Dummer Meadows," and was named Fort Dummer, in honor of Sir William Dummer, at that time Lieutenant-Governor of Massachusetts.* This was the first civilized settlement within the borders of the present state of Vermont. The fort was built of yellow pine timber, which then grew in great abundance on the meadow lands. In size it was nearly square, the sides measuring each about one hundred and eighty feet in length. It was laid up in the manner of a log-house, the timbers being locked together at the angles. In a letter dated February 3d, 1724, written by Col. John Stoddard to Lieutenant-Governor Dummer, in reference to its construction he said, "I forgot to take notice of your thought of setting stockadoes round the fort to keep the enemy at a distance. I don't well apprehend the benefit of it, for we intend the fort shall be so built that the soldiers shall be as safe, if the enemy were in the parade, as if they were without the fort." In an answer to this letter, Governor Dummer advanced other suggestions. "Untill," wrote he, "the frost be out of the ground how will you lay y^r foundation, and I think there ought to be a good one of stone and that carried some height above y^e Ground, and also cellars for the use and conveniency of so many people." The houses within were so constructed that the walls of the fort formed the back wall of each building. The roof was a single one, slanting upward to the top of the fort walls. All the houses fronted on a hollow square, and were arranged in such a manner, that in case the enemy should burst the large gate which closed the entrance to the fort, and gain access to the parade, they could be instantly rendered defensible by barricading the doors and windows. Besides the small arms with which the soldiers were furnished, the garrison was also defended by four patararoos.

From the time the fort was commenced until the first of June following, Captain Dwight's force numbered in all fifty-five effective men, of whom forty-three were English soldiers, and the remainder Indians. The latter belonged to the "Maquas" tribe, and were under the command of their sachems, Hendrick

* The site of Fort Dummer and the adjoining meadow belonging to it, form a portion of what is now known as the "Brooks farm."

Maqua, of Connauchiwhory, and Umpaumet, who dwelt on the banks of Hudson river.*

Great importance was attached to the presence of the Indians, and various means were taken to retain them in the service. On the 20th of June, 1724, a committee which had been appointed by the General Court of Massachusetts to examine a demand made by the Maquas, engaged in the service of that government at Fort Dummer, reported, pursuant to the promise of Col. Schuyler, "that two shillings per day be allowed to Hendrick and Umpaumet, as they are sachems, and the first of that rank that have entered into the service of this province; That none of y^e Indians be stinted as to allowance of provisions; That they all have the use of their arms gratis, and their guns mended at free cost; That a supply of knives, pipes, tobacco, lead, shot, and flints, be sent to the commanding officer at the fort, to be given out to them, according to his discretion; That four barrels of rum be sent to Capt. Jon^a Wells, at Deerfield, to be lodged in his hands, and to be delivered to the commanding officer at the Block-House as he sees occasion to send for it, that so he may be enabled to give out one gill a day to each Indian, and some to his other men as occasion may require." But with all these and other endeavors the Indians could not be induced to remain at the fort for more than a year.

From the time the fort was commenced those to whom it was intrusted seem to have exercised a care for the moral welfare of those who were there stationed. In the letter of Col. Stoddard, above referred to, he remarked on this subject: "Dwight thinks they should live a heathenish life unless a chaplain be allowed, and besides the advantage the English soldiers may receive from him, it may possibly be an opportunity to Christianize the Indians, which the Assembly (in the former part) seemed very desirous of." In accordance with this wish the General Court voted on the 3d of June, that "Dr.

* The names of these Indians, with their residence, are contained in the annexed list.

Under Hendrick Maqua.

Ezerus of Connauchiwhory;

Kewaucheum of Westonhook;

Cosaump of Wittang.

Under Umpaumet or Ampaumet.

Wattunkameeg,

Noonoowaumet;

Pomagun,

Poopoonuck, from Hudson river;

Waunooooseet,

Suckkeecoo from "Scahticook."

Faukaquint,

Mather, Mr. Coleman, Mr. Sewall, Mr. Wadsworth, be desired to procure a person of gravity, ability, and prudence," to be presented to the Governor for his approval, as chaplain to the fort. Daniel Dwight, of Northampton, was chosen to this post, but it does not appear that he held it long. His pay was fixed at one hundred pounds for the year, and besides his duties as chaplain it was more especially enjoined upon him to "instruct the Indian natives residing thereabouts in the true Christian religion."

The soldiers were provided with goods and clothing by the commander of the fort, who received his supplies from the Treasurer of the province of Massachusetts, and sold them at a more reasonable rate than they could have been obtained elsewhere.

No sooner were the necessary arrangements completed, and the fort garrisoned by English and by friendly Indians, than the hatred and suspicion of the Canada tribes in the employ of the French and of the Maseesqueeg or Scatacook Indians received a new impulse, and their reconnoitring parties began to be sources of the greatest annoyance. On the 25th of June the Indians attached to the fort discovered tracks to the south which appeared to have been made only a short time previous. A party of sixteen proceeded on a scout, and soon after fell in with about forty of the enemy; but their force being too small to accomplish what they had wished, they returned without hazarding an attack. On the 11th of October Fort Dummer was attacked by seventy of the enemy, and four or five of its occupants were either killed or wounded. Col. Stoddard of Northampton, who was at that time intrusted with the defence of this quarter of the country, immediately marched from that place with fifty men, but the enemy had left the fort before he arrived.

Capt. Joseph Kellogg, who was engaged at this time in watching Fort Dummer, and two other garrisons on the western frontiers of Massachusetts, having received orders to scout, commenced sending out parties on the 30th of November. The routes which they took "for the discovery of the enemy" were various, and can be easily traced at the present time, the names by which the streams, mountains, and falls were then designated being in most instances the same as at present. Sometimes their course lay along the west side of Connecticut river, and ended at the Great Falls.* Again they would

* Now Bellows Falls.

follow up West river a few miles, and then striking across the country, reach the Great Falls by a different route. Sometimes their place of destination would be the Great Meadow, and anon we read that they "came upon Sexton's river six miles from y^e mouth of it, w^h empties itself at y^e foot of y^e Great Falls, and then they came down till they came to y^e mouth of it and so returned." On another occasion they were "sent up y^e West River Mountain, there to Lodge on y^e top and view Evening and Morning for smoak, and from thence up to y^e mountain at y^e Great Falls and there also to Lodge on y^e top and view morning and evening for smoaks." Thus most of the winter was spent, in traversing the wilderness, fording bridgeless streams, and climbing mountains slippery with snow and ice. To such vigilance and activity it was owing that for nearly a year, and at a time when the Indians were exceedingly troublesome and unfriendly, Fort Dummer and the adjacent garrisons were unmolested by them.

During the month of July, in the year 1725, Capt. Benjamin Wright, of Northampton, being on a scouting expedition with a corps of volunteers, consisting of about sixty men, ascended the Connecticut river as high as Wells river, which stream he explored some distance; and after having passed several small lakes, struck Onion or Winooski river, and followed it until within sight of Lake Champlain. Provisions becoming scarce, the party retraced their steps and returned to Northfield without meeting the enemy. In his journal, Wright mentions "a fort at the mouth of Wells river." As we have no other account of such an establishment than the one here given, the suggestion of Mr. Hoyt is no doubt correct, that it was "probably a small stockade, for the security of the scouts." On the 28th of September, Capt. Dwight, of Fort Dummer, sent out a party of six men to scout in a westerly direction. On their return, while halting to refresh themselves, they were attacked by the Indians, who, fourteen in number, came suddenly upon them. The scouts fired, but successful resistance was out of their power. Thomas Bodurtha of Springfield, and John Pease of Enfield, were killed; Edward Baker of Suffield, John Farrar of Ashford, and Nathaniel Chamberlain of Hatfield, were captured; and Anthony Wiersbury, a German, reached the fort in safety, being the only one of the party who escaped unharmed.*

* MS. papers in office Sec. State, Mass. Hoyt's Indian Wars, p. 215.

Although attacks were frequently made on the English settlements in New Hampshire and along the Connecticut, by the French or Abenakis Indians, yet it must be remarked that this conduct did not arise from the enmity of France and England, for at that time those nations were at peace with one another. In order, if possible, to bring to an end the war in America, commissioners were sent from Massachusetts and New Hampshire to Canada. They were politely received by the Marquis de Vaudreuil, Governor of Canada, but were unable to effect with him the object of their mission. A few depredations were committed after the commissioners returned, but it was soon ascertained that the Indians were not averse to peace. In accordance with their desire, a treaty of that nature was held at Boston on the 15th of December, and was ratified at Falmouth the following spring. This being publicly declared, the garrisons were withdrawn from many of the forts, and on the 27th of August, 1726, the forces "at the Block-House above Northfield" were ordered to be dismissed from the service. By a mistake, the order was withheld until news came on the 24th of November, that some of the Canada tribes were, by the command of the Governor of Canada, "spirited out for mischief on the frontiers." On the receipt of this information, by the advice of the Lieutenant-Governor, the garrison was continued until the cause of danger was removed.*

Capt. Joseph Kellogg, who had been for many years a prisoner among the French and Indians in Canada, and had learned the manner in which the peltry trade was conducted between them and the western Indians, having presented a memorial to the General Court of Massachusetts, on the 15th of January, 1727, in which he expressed his belief that the same kind of trade might be carried on by the Massachusetts government to good advantage, followed up this statement with a request that a trading-house might be established at Fort Dummer or further up Connecticut river. To this petition a favorable answer was given. In order to insure a continuance of the friendship of the Indians, the General Court agreed to supply them with such articles of food and clothing as they should need, and take their furs in exchange. Fort Dummer, being conveniently situated for a "Truck-house," was selected for that purpose, and was thus "improved" for many years, the business being

* MS. papers. Belk. Hist. N. H., ii. 70-80.

under the charge of Joseph Kellogg, who bore the titles both of Captain and Truck-master.*

The Indians, finding that they could carry on a cheaper trade at this station than at the French trading-houses, resorted hither in large numbers, bringing with them, among other articles of traffic, deer skins, moose skins, and tallow. The fort was soon found to be too small to accommodate all who came to it, and Capt. Kellogg was accordingly ordered, on the 10th of April, 1729, to raise an out-house in some convenient place near the Truck-house, "for the reception of the Indians." At the same time he was directed to build a boat for transporting the supplies, to advance fifteen instead of fifty per cent. on provisions, and to supply the soldiers with clothing at the same price with the Indians. He was also permitted to sell beaver skins to the people residing in the vicinity who should desire to obtain them for the purpose of converting them into hats. In July, 1731, further improvements were made at the block-house by the addition of a store-house at the back of the main building, and by repairs which had become necessary.

The route which the Indians usually took in going from Canada to Fort Dummer, was by Lake Champlain, Otter creek, and Black and Connecticut rivers. The government of Massachusetts being about to take measures to ascertain the exact course of this "Indian road," obtained from a certain James Coss or Cross, the following diary of a journey from Fort Dummer to Lake Champlain, performed in the year 1730. From it something may be learned of the manner of travelling in the wilderness in those early times, and of the hardships pertaining thereto.

"Monday, y^e 27th April, 1730, at about twelve of y^e clock we left Fort Dummer, and travailed that day three miles, and lay down that night by West River, which is three miles distant from Fort Dummer. Notabene. I travailed with twelve Canady Mohawks that drank to great excess at y^e fort and killed a Skatacook Indian in their drunken condition, that came to smoke with them.

* The first appropriation for trading purposes was made on the 19th of June, 1728, when the General Court voted to set apart "£1000, equal to about £383 6s. 8d. sterling, for the purchasing goods to be lodged at the Truck-house above Northfield, to supply the Indians withal." The Truck-master was ordered "to advance 50 per cent. on rum, sugar, and molasses, and 25 per cent. on European goods."

"Tuesday. We travailed upon the great River* about ten miles.

"Wednesday. We kept y^e same course upon y^e great River travailed about ten miles, and eat a drowned Buck that night.

"Thursday. We travailed upon the great River within two miles of y^e Great Falls† in said River, then we went upon Land to the Black River above y^e Great Falls, went up in that River and lodged about a mile and a half from the mouth of Black River, which days travail we judged was about ten miles.

"Friday. We cross Black River at ye Falls‡ afterwards travail through y^e woods N.N.W. then cross Black River again about 17 miles above our first crossing, afterwards travailed y^e same course, and pitched our tent on y^e homeward side of Black River.

"Saturday. We crossed Black River, left a great mountain on y^e right hand and another on ye left.§ Keep a N.W. course till we pitch our tent after 11 miles travail by a Brook which we called a branch of Black River.

"Sabbath Day. Soon after we began our days work, an old pregnant squaw that travailed with us, stopt alone and was delivered of a child, and by Monday noon overtook us with a living child upon her Back. We travail to Black River. At ye three islands, between which and a large pound we past y^e River, enter a mountain,|| that afforded us a prospect of y^e place of Fort Dummer. Soon after we enter a descending country, and travail till we arrive at Arthur Creek¶ in a descending land. In this days travail which is 21 miles, we came upon seven Brooks which run a S. W. course at ye north end of said Mountain. From Black River to Arthur Creek we judge is 25 miles.

"Monday. Made Canoes.

"Tuesday. Hindered travelling by rain.

"Wednesday. We go in our Canoes upon Arthur Creek, till we meet two great falls in said River.** Said River is very Black and deep and surrounded with good land to y^e extremity of our prospect. This days travail 35 miles.

* Connecticut river.

† Bellows Falls.

‡ At Centre village in the town of Springfield. See Zadock Thompson's Vermont, Part III, p. 164.

§ In the township of Ludlow.

|| In the township of Plymouth, where Black river rises.

¶ Otter creek.

** Probably in the town of Rutland.

"Thursday. We sail 40 miles in Arthur Creek. We meet with great Falls,* and a little below them, we meet with two other great Falls,† and about 10 miles below y^e said Falls we meet two other pretty large Falls.‡ We carryd our Canoes by these Falls and come to y^e Lake."§

The garrison at Fort Dummer, which had been reduced in 1727, was, in January, 1731, reinforced by the addition of ten soldiers, and from that time until the year 1750, it seldom numbered less than twenty men, and in times of danger often amounted to fifty. The Rev. Ebenezer Hinsdell|| was in 1730 appointed to the chaplaincy of the fort, which post he probably held twelve or fourteen years, being much beloved both by the Indians and the English.¶

In order to render trade with the Indians more advantageous, and to strengthen the bonds of peace and friendship, Capt. Kellogg received into the fort on the 8th of October, 1734, three commissioners from the "Scaticook" tribe, whose names and titles were, Masseguun, first captain; Nannatoohan, second captain; Massamah, lieutenant; and on the 1st of September, 1735, three other commission officers of the Caughnawaga tribe,

* Middlebury Falls.

† At Weybridge.

‡ At Vergennes.

§ Bound MSS. in office Sec. State, Mass., A. xxxviii. 126, 127.

|| He was for several years a missionary to the Connecticut river Indians. In a letter which he wrote from Fort Dummer, dated January 26th, 173‡, referring to his labors, he stated that "a good disposition" was prevalent among the Indians, that on Sunday a number of them usually assembled to listen to him, that a child had been presented to him for baptism, to which he had refused to administer the rite because its parents were not Christians, that he had endeavored to instruct the parents in Christianity, but had as yet met with no success. In 1743, Mr. Hinsdell erected a fort within the limits of the present town of Hinsdale, New Hampshire, and in the same year he and Josiah Willard, the commander of Fort Dummer, were appointed under-commissioners for the northern portions of Massachusetts, and the adjacent frontiers. This post they held until October 26th, 1746. Hinsdell's efforts in behalf of the growth and prosperity of the province were not unobserved, and on November 10th, 1748, Governor Shirley desired the General Court "to provide a few men for the defence of Mr. Hinsdell's fort below Fort Dummer for the winter season," a request which was undoubtedly complied with. In the year 1759, he resided near Sugar Loaf Mountain, in the town which is now known as South Deerfield, Massachusetts.

¶ It is difficult to ascertain the exact date of transactions which occurred at this period, owing to the burning of the Town House in Boston, on December 9th, 1747, at which time were destroyed "The Books of Records of the General Assembly of Massachusetts, from July 5th, 1737, to September 30th, 1746, and of his Majesty's Council."

named Ontaussoogoe, colonel ; Thyhausilhau, lieutenant-colonel ; Conneighan, major. Yearly pensions were granted to them, and they remained in the pay of the truck-house until 1744, when it was again turned into a fort.

Massachusetts having deemed it necessary to renew a certain treaty which had been made with the Indians some years before, appointed John Stoddard, Eleazer Porter, Thomas Wallis, Joseph Kellogg, and Israel Williams, commissioners, who by agreement met Ontaussoogoe and other delegates of the Caughnawaga tribe, at Fort Dummer, on the 5th and 6th of October, 1737. Friendly speeches were made by both parties, the health of King George was drank, and the death of the Governor's lady deplored. Blankets and wampum were exchanged, and the representatives of the Indians and the English separated with expressions of mutual good-will and friendship.* In the same year the truck-house was burned, but whether entirely or partially, there is nothing on record to show.†

During this season of comparative quiet, Massachusetts and New Hampshire granted several new townships on their frontiers, the former extending her grants to the northward and westward, and along Connecticut river, above Northfield, embracing on the east banks of that stream the present towns of Hinsdale, Chesterfield, Westmoreland, Walpole, and Charlestown. These five towns were at first included in four, and for several years were known by their numbers. Beginning at Hinsdale, Charlestown was Number Four. As to the settlements west of the Green Mountains, the first of them was made by the French in 1731, at Chimney Point, in the south-west corner of what is now the township of Addison. But this, as well as the settlement at Fort Frederick, now Crown Point, on the west side of the Lake, was subsequently broken up, and the settlers, with the garrison of the fort, were, in the year 1759, removed to Canada.

* See Appendix B, containing an account of the proceedings at the renewal of the treaty.

† The only hint of this circumstance is contained in a petition to Governor Jonathan Belcher, from John Sargent, dated Nov. 29th, 1738, in which he says he was "formerly taken prisoner to Canada, afterwards was under Captain Kellogg at the truck-house, north of Northfield, and was a great sufferer in 1737 when it was burned."

CHAPTER II.

CONFLICTS WITH THE INDIANS.

Boundary Disputes—Sartwell's Fort—Bridgman's Fort—Defences at Fort Dummer—Traffic with the Indians—Maintenance of Fort Dummer—Disputes between the Assembly of New Hampshire and the General Court of Massachusetts Bay—Declaration of War between England and France—Establishment of Forts—Indian Depredations—William Phips—Presents to the Indians—Attack on the Fort at the Great Meadow—Capture of Nehemiah How—For fear of the Enemy the Settlers leave their Abodes—Siege of Number Four, afterwards Charlestown—Burning of Bridgman's Fort—Second Attack on Number Four—Fight between Capt. Melvin and the Indians—Capt. Stevens's Expedition—An Ambuscade—Account of the Captives who were taken to Canada—Running the Gauntlet—Capt. Humphrey Hobbs's Encounter with the Indians—Conflict near Fort Dummer—Brave Conduct of the Soldiers—Route pursued by the Indians—Fight at Fitch's Block-house—Propositions for Protection.

THE dispute between Massachusetts and New Hampshire as to the northern boundary of the former province, which had continued since the year 1730, was determined on the 9th of April, 1740. The decision gave to New Hampshire a tract of country fourteen miles in breadth, and above fifty in length—a greater quantity than she had ever claimed—and took from Massachusetts twenty-eight new townships between the Merrimack and Connecticut rivers, besides a large amount of vacant lands. But the settlement of one dispute only gave rise to another. A part of the south boundary of New Hampshire, beginning at a point three miles due north of Patucket falls, was declared in the decision referred to, to be “a straight line, drawn from thence due west, till it meets with his Majesty's other governments;” but the uncertainty which then prevailed as to the legal extent of “his Majesty's other governments,” was the cause not only of a controversy in this instance, but of another which at a later period engaged the attention of New Hampshire, New York, and the “New Hampshire Grants” for many years.

The command of Fort Dummer having been given to Capt. Josiah Willard in 1740, its former commander, Joseph Kellogg, was appointed Indian interpreter for the garrison, which office he held until the year 1749. Great pains were taken to obtain from the Indians then in the service of the fort, as much assistance as was compatible with their indolent dispositions; and in order to remove one of the causes which had too long tended to lower their condition, they were deprived of the supplies of liquor which had for a long time composed a part of their rations. As the frontier settlements extended, it became necessary for the inhabitants to increase and strengthen their defences. The forts or, more properly, block-houses of this period were generally built with large squared timbers laid horizontally one above the other, in the shape of an oblong or square, and locked together at the angles in the manner of a log cabin. This structure was roofed, and furnished with loopholes on every side, through which to observe and attack the enemy. The upper story usually projected over the lower, and underneath this projection other loopholes were cut, to enable those within to fire *down* on the assailants, in case of a close approach. In this manner did Josiah Sartwell build the fort which was

afterwards called by his name. It stood about one hundred rods from Connecticut river, in the north part of what was for a long time Hinesdale, now Vernon, Vermont, and four miles south of Brattleborough. To the east of it ran the public road. It was taken down in 1838, after having stood ninety-eight years, and on its site



Sartwell's Fort.

there has since been erected a house which is owned and occupied by the Hon. Ebeneser How Jr., a great-great-grandson of Josiah Sartwell, and a great-grandson of Caleb How, who was killed by the Indians. Bridgman's Fort, of similar construction, was probably built the same year by Orlando Bridgman. It was situated one half of a mile south of Sartwell's Fort, on the east side of the road, and with the exception of

Fort Dummer, was the only place picketed and secure in that vicinity. About the same time a settlement was made on the "Great Meadow," in what is now the town of Putney, and a garrison called Fort Hill was built in the centre of the "Meadow;" but by whom it was erected or occupied is not known. On the other side of Connecticut river, Number Four, afterwards Charlestown, which, with a number of other townships, had been granted by Massachusetts in 1736, although but lately settled, had already begun to be a post of some importance. Another station of note was Hinsdell or Hinsdale's Fort. It was situated in the town of Hinsdale, N. H., nearly opposite to Sartwell's Fort, and was built by the Rev. Ebenezer Hinsdell, in 1743.

Fort Dummer being in a defenceless condition, Capt. Josiah Willard, "for himself and those under his command," informed the Governor of Massachusetts on the 24th day of June, 1740, that they were "willing to be at the cost of putting y^e garrison into a posture of defence, and erect two sufficient bastions at opposite angles, providing the government will be at the charge of hiring a carpenter and provide nails, iron work and boards." The proposition was acceded to, and the fort was made more defensible than it had ever been before. Within were four province houses, as they were called, two stories in height, comfortable, and for these days even convenient; besides which there were two or three smaller houses, containing a room each, which could be occupied when the garrison numbered more than its complement of men. Without, the fort was picketed. Posts twenty feet in height placed perpendicularly in the ground side by side, and sharpened at the upper end, surrounded it on every side. Openings were left in the pickets through which to fire on the enemy, and at opposite angles of the fort, twenty-five feet from the ground and five above the tops of the pickets, square boxes were placed in which the sentinels kept guard. To the patteraroes with which the garrison was originally furnished, several swivels were now added, which enabled the inmates of the fort to receive the enemy with an enfilading fire, thus rendering the place comparatively secure. The "Great Gun" of which mention is so often made in papers relating to Fort Dummer, whose report could be heard for many miles, was never fired except as a signal for assistance, or on the reception of some fortunate or pleasing news.*

* Bound MS. in office Sec. of State Mass. lxxii. 496.

The declaration of war by Great Britain against France and Spain on the 29th of March, 1744, was followed by its proclamation at Boston in the month of June following. An Indian war was a necessary appendage in the American colonies to a war with France, and during this contest, called by some the first French war, and by others the Cape Breton war, the almost daily cruelties practised by the Indians were witness to their long-fostered determination of vengeance for the misfortunes which they had suffered on account of the whites. The Indian commissioners who had resided at Fort Dummer since the year 1734, and had become used to English ways and customs, would, it was supposed, remain during the war where they had so long lived, and endeavor by their influence to afford some protection to their friends from the ravages of the enemy. But the lust of gain, and the desire of plunder, broke down the nicer barriers which had sprung from friendly communication and social intercourse; and not only was Fort Dummer deserted by the Indians, but also all the stations in the vicinity where they had dwelt, their numbers going to augment the forces of the hostile tribes in Canada. At the same time the truck establishment at Fort Dummer was also discontinued.

The traffic which during the sixteen years previous had been there carried on with the Indians by the government of Massachusetts, had proved of no pecuniary profit to the latter. Deducting the charge of transportation, and a remuneration for the waste incidental thereto, the Indians were supplied with goods at nearly first cost, while for their furs, deer skins, moose skins, and tallow, they were allowed the Boston market-prices. The province had also a transport sloop in pay for the use of this fort, and of Forts Richmond and Georges on the eastern frontiers, which forts were also used as trading houses in time of peace. Had it not been deemed necessary to supply the Indians with goods in order to protect them from the abuses of private traders, and to turn their attention as much as possible from unfriendly and warlike designs, the government would not have continued a trade so disadvantageous and one-sided, so long as they did.

Since its erection by Massachusetts, Fort Dummer had been maintained and garrisoned at the expense of that province; but by the late determination of the boundary lines between Massachusetts and New Hampshire, the fort was supposed by many to have fallen within the limits of the latter province. Massa-

chusetts, however, continued to support and maintain it until war was declared in 1744, when Governor Shirley opened a communication with the home government on the subject. In his letters to the Lord President of the King's Council and to the Duke of Newcastle, one of his Majesty's principal Secretaries of State, he clearly showed that the great expense which the province was likely to incur in providing for its own defence in many other places, would no longer justify it in continuing the establishment of Fort Dummer. At the same time he declared it to be of the last importance at that time, that this post should be strongly fortified, not only for the defence of the settlers in the immediate neighborhood, but also on account of the position of the fort, it being situated within three or four days' march of the French fort at Crown Point, which latter place was a constant retreat and resort for the French and Indians in all their expeditions against the English settlements. He further stated that the Massachusetts government did not think it their duty to provide for a fort no longer their own, and proposed that the province of New Hampshire, to which it properly belonged, should make provision for its support.

On the receipt of this representation, the King in Council, on the 6th of September, ordered that the fort and its garrison should be maintained, and that the Governor of New Hampshire should move the Assembly of that province in his Majesty's name, to make a proper provision for that service, and at the same time inform them, that in case they should refuse to comply with a proposal so necessary and reasonable, his Majesty would restore the fort, and a "proper district contiguous thereto," to the Massachusetts Bay. In view of the importance of the station, and of the sad results which might follow, should it fall into the hands of the enemy, Governor Shirley was ordered in the same report to represent to the Provincial Assembly of the Massachusetts Bay, the necessity of continuing to provide for Fort Dummer until a final answer should be obtained from New Hampshire, and his Majesty's pleasure in relation to the subject, further signified.

This order, together with a message from Governor Shirley, was presented to the House of Representatives of Massachusetts, and that body, with the concurrence of the Council, in consideration of the great danger there was that the inhabitants from Contoocook,* in New Hampshire, to Connecticut river,

* Boscowen

would be driven from their settlements should the fort be taken, unanimously voted that "the captain-general be desired to cause the same number of officers and men as were in the last establishment at said fort, to be enlisted and there posted; and that the same allowance as before be made for their wages and subsistence, for a term not exceeding three months, provided that this vote or grant shall not be deemed or urged as a precedent for this government's taking into their pay at any time hereafter this fort, or any other fort which may serve as a protection to any inhabitants or estates, the jurisdiction whereof is claimed by any other government." It was also voted that the term of three months should commence with the 20th of January, 1745. For the better security of this garrison, the strongest, and, with the exception of the stockade then building on the Great Meadows, the most northern, two swivel guns and two four-pounders were added to its munitions.

In accordance with his instructions, Governor Shirley informed Governor Wentworth, of New Hampshire, on the 25th of February, of the nature of the order he had received from his Majesty, and of the action of the Massachusetts Assembly thereon. He further requested his Excellency to make provision for the future sustenance of the garrison, or at least to come to a speedy resolution on the subject, in order that an answer might be returned without delay to the King. The subject was brought before the New Hampshire Assembly on the 3d of May, but a majority of the lower house declined making any grant for this purpose, and adduced, in support of this determination, the following reasons:—"That the fort was fifty miles distant from any towns which had been settled by the government or people of New Hampshire; that the people had no right to the lands which, by the dividing line, had fallen within New Hampshire, notwithstanding the plausible arguments which had been used to induce them to bear the expense of the line, viz. that the land would be given to them, or else would be sold to pay that expense; that the charge of maintaining that fort, at so great a distance, and to which there was no communication by roads, would exceed what had been the whole expense of government before the line was established; that the great load of debt contracted on that account, and the yearly support of government, with the unavoidable expenses of the war, were as much as the people could bear; that if they should take upon them to maintain this fort, there was another much better

and more convenient fort at a place called Number Four, besides several other settlements, which they should, also, be obliged to defend; and, finally, that there was no danger that these forts would want support, since it was the interest of Massachusetts, by whom they were erected, to maintain them as a cover to their frontier.”*

Upon this declaration, the Governor dissolved the Assembly and called another, to whom, in the most pressing and eloquent terms, he recommended the same measure. In accordance with his wishes, that body resolved, on the 15th of June, that his Excellency the Captain General be desired to enlist or impress twenty good, effective men, to be by him employed in his Majesty's service for six months, as a garrison for Fort Dummer.† This resolution was notified to Governor Shirley by Governor Wentworth, and was accompanied with a request that the fort might be delivered to New Hampshire, and the Massachusetts forces be drawn within the bounds of that province. In answer, Governor Shirley desired Governor Wentworth to take possession, and sent orders to Capt. Willard to deliver the fort to his charge on demand. Previous to this, however, the Assembly of New Hampshire, as has been seen, had refused to support the fort, and Massachusetts had thereupon agreed to maintain it. By consequence, when Governor Shirley acquainted his Majesty's Council of Massachusetts with his action on the last resolve of the Assembly of New Hampshire, they were of opinion that he could not, according to the terms of his Majesty's order, be justified in delivering up the fort until his Majesty's pleasure should be known. A suspicion prevailed that the Assembly of New Hampshire intended to provide for the fort, only until they could obtain full possession of it, and that they would then slight it. It was also well known that the allowance proposed by New Hampshire for the support of the soldiers, was not half as large as that given by Massachusetts, which many deemed too small. Under these considerations, Governor Shirley judged it best to countermand his orders, and the fort was again supported by Massachusetts.

* Belknap's Hist. N. H., ii. 236, 237.

† The wages allowed are thus stated: “One Captain to have 25 shillings per month; one Lieutenant to have 18s. 6d. per month; one Sergeant to have 18s. 6d. per month; one Corporal to have 12s. per month; and sixteen Centinels to have, each, 10s. per month; and each of the said twenty men be allowed 8s. per month for providing themselves with provisions.”

In this condition the subject remained until 1747, when Governor Shirley again wrote to Governor Wentworth, to know whether he would take upon himself the charge of supporting the fort. After a long delay, his Excellency, on the 28th of October, 1748, signified his unwillingness to bear the expense, and the subject was then brought before the Board of Trade in consequence of a letter from Governor Shirley to that body. This communication contained an account of the condition of Fort Dummer, and an offer to forward to the Board of Trade a schedule of the charges incurred for supporting the fort since the commencement of the war. The committee to whom the matter was referred, reported on the 3d of August, 1749, that it was proper for New Hampshire to reimburse Massachusetts for maintaining the fort, and advised that the Governor of New Hampshire should be directed to recommend to the Assembly of his province, a permanent provision for the fort, and that it should be allowed to remain where it was, since, were it removed within the lines, it would be in the midst of garrison houses, and would thus defeat the object of its erection, which was to keep the enemy at a distance.

Although this report was favorable to Massachusetts, yet when Parliament granted to New Hampshire a reimbursement for the Canada expedition, the petition of the government of Massachusetts praying that a deduction might be made in their favor from this fund, was denied. This denial was owing to the vigilance and address of Capt. John Thomlinson, formerly a sea captain, but at that time the agent at London for New Hampshire.

As soon as the declaration of war between England and France was proclaimed at Boston in June, 1744, orders were issued by Governor Shirley for the building of a line of forts, more effectually to protect the western frontiers of Massachusetts from the ravages of the Indians. Of the routes which had been pursued by the enemy in the former wars in approaching the frontiers from Canada, the most northern was by the river St. Francis, through Lake Memphramagog, thence by portage to the Passumpsic, down that river to the Connecticut, and thence to the settlements bordering the banks of the latter stream. Sometimes the enemy, having sailed down Lake Champlain as far as Whitehall, would proceed up Pawlet river to its sources, thence across the mountains to West river and down that stream to the Connecticut. At other times they would approach that river by following up Otter creek to its sources.

Nor were the rivers Lamoille, Winooski, and White, unknown to them in their journeys to Connecticut river. But the most common road from Canada, and that most frequently traversed, was, by the way of Otter creek and Black river. This has been previously described under the name of the Indian road, and was so called at the time of the earliest English settlements.*

Fort Dummer was a serious obstruction to the Indian enemy, who having approached by the way of West river, were descending into Massachusetts. After the building of Number Four, that station occupied the same position for those who had reached Connecticut river by the way of the more northern streams. The forts which were ordered to be built by government, extended from Fort Dummer to Hoosac, now Adams, and Williamstown. They were situated in the following towns. Fort Massachusetts or Hoosac was in Adams, Fort Pelham in Rowe, Fort Shirley in Heath, Coghran's and Rice's forts in Colrain, and Sheldon's fort in Bernardston. In the latter place, as well as at Colrain, several houses were stockaded, and at Northfield and Greenfield the old defences were repaired. Besides those already mentioned on Connecticut river, there were forts on the New Hampshire side at Upper and Lower Ashuelot. The western cordon of forts was placed under the immediate command of Capt., afterwards Col. Ephraim Williams, who established his head-quarters at Fort Massachusetts. Col. John Stoddard, of Northampton, commander of the militia regiment in the county of Hampshire, Massachusetts, was charged with the general superintendence of the defence of the same quarter. Major Israel Williams of Hatfield, was appointed commissary of the department, and Col. Josiah Willard, commander of Fort Dummer, and the Rev. Ebenezer Hinsdell, the owner of Hinsdell's garrison, were his under commissaries. Two hundred men were raised for the defence of this portion of the province, and ninety-six barrels of gunpowder were sent to the towns lying within an allotted space, to be sold to the inhabitants at the first cost.

The rations allowed to the garrison forces on the frontiers were, for each man, one pound of bread and a half pint of peas or beans per diem; two pounds of pork for three days, and one gallon of molasses for forty-two days. Marching forces were allowed a pound of bread for each man; the same of pork, and

* See ante, p. 21.

a gill of rum per diem. Parties were kept continually ranging from fort to fort on the line between Forts Dummer and Massachusetts, and thence to Pittsfield, for the purpose of ferreting out the Indians, and companies of large dogs were trained to scent their trails. Scouts from the militia were also employed to scour the wilderness towards the head of Wood and Otter creeks. To induce the soldiers to engage in this kind of warfare, a bounty of thirty pounds each was offered on Indian scalps. The officer who commanded a "scalping expedition," was required to keep a fair and correct journal of his marches and operations, and return it to the government of the province.*

During the year 1744, no depredations were committed on the western frontiers, and this exemption from disturbance afforded ample opportunity for constructing forts and preparing for future emergencies, which opportunity, as has been shown, was in no wise neglected. The first incursion in the next year was made on the 5th of July, by a party of the Oorondax Indians from Canada. William Phips, as he was hoeing corn, near the south-west corner of the Great Meadow, was captured by two of these Indians, and carried into the woods. They had proceeded with him about half a mile, and were ascending a steep hill, when one of them remembering that he had left something, went back to get it, leaving the prisoner in the charge of his comrade. Watching his opportunity, Phips struck down his Indian keeper with a hoe which he had brought with him, and seizing the gun of the prostrate savage, shot the other as he was ascending the hill. Unfortunately, meeting with three others of the same party, as he was returning to the fort, he was seized, killed, and scalped. The Indian whom he had stunned, afterwards died of his wound. On the 10th of the same month, the Indians appeared at Upper Ashuelot, now Keene, and killed and scalped Josiah Fisher. News of these events having reached Massachusetts, Governor Shirley, on the 17th, ordered "two companies of snow-shoe men to scout between Connecticut and Merrimack rivers for the protection of the inhabitants, and discovery and annoyance of the enemy."

The Assembly of New York, previous to these occurrences, had voted an allowance of four hundred pounds for presents to the Indians. Various letters having been presented to them

* Hoyt's Indian Wars, pp. 230-232.

containing accounts of the circumstances above narrated, and of others similar, Col. Schuyler, one of the members, stated that the fears and jealousies of the Six Nations of Indians had been aroused and were sustained by the designs of the French, but that the destruction of the border settlements might be prevented by the use of a single argument, the strongest which could be presented to the Indians, "a suitable present." The Assembly accordingly voted, on the 21st of August, that six hundred pounds should be added to what had already been given them. Of the wisdom of this course, those who proposed and supported it were the best judges; but the effect on the Indians seems to have been far different from what was expected. If their fears and jealousies had been excited by the French, their love of plunder and their hope of gain appeared to receive new life by the favors of the English; and thus virtually receiving rewards of both nations, they renewed their depredations, which only differed from their previous acts by the greater display of skill and cunning which characterized them. Another reason of the little effect of the presents of New York may be found in the fact that on the 23d of August, only two days after the passage of the above vote, Lieutenant-Governor Spencer Phips, of Massachusetts, in consideration of the breach of the treaty of neutrality between that province and the Six Nations, formally declared war against the Eastern and Canada Indians.

To conclude the events of the year by a bold stroke, a body of French and Indians, the latter being twelve in number, attacked the garrison at the Great Meadow, on the 12th of October at noon-day. A brisk fight was carried on for an hour and a half, and one Indian was killed by a shot from the ramparts, but the fort was defended with so much coolness and courage, that the enemy were not able to take it, or even essentially injure it. In lieu of victory they killed or drove off the greater part of the cattle in the neighborhood, a method of taking revenge by no means uncommon. Nehemiah How who was cutting wood about eighty rods from the fort when the enemy appeared, was taken by them, and no attempt was made to rescue him, as it would have endangered the lives of all in the garrison. As they were leading him away, by the side of the river, they perceived a canoe approaching with two men. Firing, they killed one of them, David Rugg, but the other, Robert Baker, made for the opposite shore and escaped.

Both of these men, together with How, belonged to the garrison at the Great Meadow. Proceeding further they passed three other men, who, by skulking under the bank, reached the fort in safety. One of them was Caleb How, the prisoner's son. Arriving opposite to Number Four the Indians compelled their captive to write his name on a piece of bark, and there left it. After travelling seven days westward, they came to a lake, where they found five canoes, with corn, pork, and tobacco. They embarked in the canoes, and having stuck the scalp of David Rugg on a pole, proceeded to the fort at Crown Point, where How received humane treatment from the French. Thence he was taken to Quebec, where he died. "He was," said Belknap, "a useful man, greatly lamented by his friends and fellow-captives." Not long after these occurrences the fort at the Great Meadow being evacuated, was destroyed or went to decay.*

On the 28th of March, 1746, the enemy made their appearance in the neighborhood of Fort Shirley, and until late in the autumn were scattered in small parties on all the frontiers. Several attempts were made by them to take the fort at Number Four and some of the other garrisons in the vicinity by surprise, but in none were they successful. On the 24th of June, a party of twenty Indians killed William Robbins and James Baker,† while working in a meadow near Bridgman's Fort, wounded Michael Gilson and Patrick Ray, and took John Beeman‡ and Daniel How prisoners, but not until the latter had killed one of his captors. So unsafe was travelling of every kind, that the settlers were obliged to go to the mills with a guard, whenever they wanted meal. On one occasion a party of twenty men who went from the west side of Connecticut river to Hinsdell's mill in New Hampshire, with Col. Willard at their head, in searching round the mill discovered a party of Indians in ambush. A skirmish ensued, but the enemy were received with so much resolution, that they made a precipitate retreat, leaving their packs in the hands of Willard and his party.

The defence of the western frontier of New Hampshire being not only hazardous but ineffectual, the government of that province, instead of increasing the number of their forces,

* Belknap's Hist. N. H., ii. 241.

† Parker, in Hoyt's Indian Wars, p. 236.

‡ Beaman, in Hoyt's Indian Wars, p. 236.

refused to furnish their regular quota. At the same time some persons in the north-western part of Massachusetts, deeming it inexpedient to be at the charge of defending a territory which was without their jurisdiction, petitioned the Assembly to withdraw their troops from that quarter. Governor Shirley endeavored to prevail on the Assembly to keep garrisons in all these forts during the winter, but his efforts were without success. The inhabitants, being without protection, were obliged to quit their abodes. Many of them deposited in the earth such of their effects as they were unable to carry, took with them such as were portable, and moved down the river, leaving their buildings a prey to the enemy, who destroyed them, or carried away from them what they pleased. Some of the block-houses on the river, which were thus left exposed, were burned, and for several months Fort Dummer was the most northern post on that frontier provided with a garrison.*

More effectual measures for the defence of the country were taken at the beginning of the year 1747, than had been adopted for some time previous. On the 17th of March, Governor Shirley presented to the General Court a message relative to the state of Fort Dummer, and the importance of its position, and advised that it should be garrisoned with a larger force than was ordinarily stationed there. That body having voted in accordance with this recommendation, Brigadier-Gen. Joseph Dwight, by order of the governor, requested Lieut. Dudley Bradstreet to take the command of forty men, and with them garrison Fort Dummer, in place of the guard then stationed there. The request was obeyed, and the fort with its stores was, on the 15th of April, delivered by Col. Josiah Willard into the hands of his successor. Bradstreet retained the charge of the fort for five months, at the end of which time it was again placed in the care of its former commander.†

* In a letter from Col. Josiah Willard, of Fort Dummer, written probably in the year 1746, is a recommendation that a General Commander of the forces stationed north of Massachusetts be appointed. "I am willing," said he, "to take the office under the Hon. Col. Stoddard, and run the risque of obtaining pay from the government for my trouble." It does not appear that his advice was taken.—MSS. in office Sec. State Mass. liii. 198.

† Whether Bradstreet was incompetent to command the fort does not appear. Gen. Dwight, when informing him of his appointment, wrote, "You must take the most effectual care to avoid any surprise from the enemy, for should that fort or any of your men be lost by any misconduct in you, it will be vastly dishonourable." He was the son of the Rev. Dudley Bradstreet, who was "minister of the

In the latter part of March of the same year, Governor Shirley ordered Capt. Phineas Stevens with thirty men, being a portion of the levies which had been raised for an expedition against Canada, to take possession of Number Four, which had been without protection for more than two months, fears being entertained that it would either be burned or taken by the enemy. This movement was most fortunate. Hardly was the fort garrisoned, when on the 4th of April it was attacked by a very large party of French and Indians, under the command of Monsieur Debeline. The siege continued during three days, and in that time thousands of balls were poured upon the fort, yet not one belonging to the garrison was killed, and two only were wounded. Debeline giving up all hopes of carrying the fortification, reluctantly withdrew. His forces, however, continued to hover about the frontiers in small parties, annoying all whom they chanced to fall in with. In admiration of the skill displayed by Stevens in this defence, Sir Charles Knowles, who happened at that time to be in Boston, sent him an elegant sword, and Number Four, when incorporated as a town in 1753, was called in honor of the commodore, Charlestown. During the remainder of the war, the garrison at Number Four was supported at the expense of Massachusetts.*

An alarm having been given in the month of July, that the enemy had taken and were fortifying a position upon or near Black river, Col. William Williams, in pursuance of Governor Shirley's order, sent out a scouting party under the charge of Matthew Clesson, pilot, which went as far as Otter creek, but discovering no very significant signs of Indians, returned after an absence of twenty-one days. On the 24th of August following, as twelve men were passing down Connecticut river from Number Four, they were surprised and attacked by the Indians. Nathan Gould and Thomas Goodall were killed and scalped, Oliver Avery was wounded, and John Henderson captured. The rest escaped. A few days before

Church of Christ" in Groton, Massachusetts, from 1706-1712, and was born in that town, March 12, 1707.—Butler's Hist. Groton, pp. 170, 390, 391.

The stores which were left in the fort by Col. Willard, comprised the following articles:—"2 Carriage guns and furniture; 5 Patteraroes, one, exclusive of y^e five being burst, all which belonged to the Province stores of y^e Truck Trade; 12 Small fire arms; $\frac{1}{2}$ barrel cannon powder; 20 lbs. of other powder; 140 lbs. of lead; A quantity of Flints; One large iron pot."

* For a more detailed account of the "Siege of Number Four," see Belknap's Hist. N. H., ii. 248-251, and Hoyt's Indian Wars, pp. 242-245.

this occurrence, Jonathan Sartwell was captured at Hinsdale. Several others in the vicinity were killed by the Indians, who, lurking in small parties, when least expected would fall upon their victims, and usually with mournful success. In the fall of the year, they burned Bridgman's fort, killed several persons, and took others prisoners. In consequence of this last act, Col. John Stoddard, on the 22d of October, sent Capt. Seth Dwight with a force of thirty-six men in quest of the enemy; but the search was unsuccessful, it being usual with the Indians to depart carefully, and with the greatest secrecy and speed, when they had accomplished their object. In place of this fort, which was in more proper terms a fortified house, a similar building was soon after constructed.

Later in the autumn several persons at Number Four were taken captive, but it was impossible to pursue the captors, as the garrison was not provided with snow-shoes, though many hundreds had been paid for by government. For the protection of the frontiers during the winter, a garrison of twenty men was continued at Fort Dummer, and another at Number Four. The block-houses were also better defended than they had been previously at this season of the year, and for these reasons those who remained were in greater security, and enjoyed a longer respite from the ravages of their foes, than they had done since the war was declared.

In the month of February, 1748, the Massachusetts General Court directed the number of men at Forts Massachusetts and Number Four to be increased to one hundred at each place. Of these, a suitable force was to be constantly employed "to intercept the French and Indian enemy in their marches from Wood creek and Otter creek" to the frontiers; and was to be continued in the service until the first day of October following. The commanding officers were ordered to keep "fair journals" of their marches, and in order to excite the soldiers to vigilance and activity, the sum of one hundred pounds was ordered to be divided in equal parts among the officers and soldiers of any scouting party that might capture an Indian, or produce the scalp of one they had killed. Capt. Stevens was again appointed commander of Number Four, and Capt. Hobbs was ordered to the same post as second in office.*

* The number of officers allowed at this period to a company of fifty men, and the wages they received per month, were as follows: one captain, £4; one lieut-

A report which was presented to the General Court in February by Col. Willard of Fort Dummer, showed that he had again made such repairs as were necessary to the comfort of his quarters, and had added two more swivels to its munitions. During this year the post of Chaplain at the fort was held by the Rev. Andrew Gardner.* In order to afford the greatest protection possible, larger garrisons were stationed at Forts Shirley and Pelham, at Upper and Lower Ashuelot and Colrain, and at all the stations or out-garrisons where it was deemed necessary. The complement of men for Fort Dummer was fixed at twenty, but by the solicitations of Col. Willard was increased to thirty. The first attack by the Indians this year was made at Number Four, on the 15th of March. Twenty of them surprised eight of the garrison at a short distance from the fort. "Stevens sallied and engaged the enemy, and a sharp skirmish ensued." Charles Stevens was killed, Eleazer Priest captured, and Nathaniel Andross wounded. A post was immediately sent to carry the news to Fort Dummer, and warn the garrison of the danger to which they were exposed. Nothing was seen of the enemy during the next two weeks, but on the 29th of March a party of them attacked several of the men belonging to Fort Dummer, as they were working in an adjoining field. Lieut. John Serjeants, Corporal Joshua Wells, and Private Moses Cooper were slain, and Daniel Serjeants, son of the Lieut., was captured and taken to Canada. A company, under the command of Lieut. Ebenezer Alexander, were soon after dispatched to the place of action, who buried the dead they there found, but could discover no further traces of the enemy.

Much advantage having resulted on former occasions from watching the motions of the enemy, an expedition for this purpose was projected during the spring by some of the ranging officers, and was soon after accomplished. Preparations having been consummated, a scout of nineteen men, under the command of Capt. Eleazer Melvin, marched on the 13th of May from Fort Dummer. Proceeding up Connecticut river as far as Number Four, they were there joined by Capts. Stevens and Hobbs, with a force of sixty men, and the whole party, on Sun-

tenant, £3 0s. 9d.; one clerk, £2 12s. 9d.; three sergeants, £2 12s. 9d.; three corporals, £2 12s. 3d.

* A very interesting account of all that is known concerning this quaint and eccentric clergyman, may be found in that valuable ecclesiastical monograph, entitled *The Worcester Pulpit*, by the Rev. Elam Smalley, DD., pp. 31-42.

day the 15th, at sunset, set out from Number Four on their hazardous enterprise. They followed the "Indian road" along the banks of Black river, but sometimes would lose it in fording streams and in traversing the forests where the ground was covered with a thick growth of underbrush. On reaching the main branch of Otter creek, Capt. Melvin and his men, according to previous agreement, left the party, crossed the stream, and set out for Crown Point. Capt. Stevens and his men pursued their way down the east side of Otter creek.

Capt. Melvin's party having met during the two following days with many indubitable signs of the enemy, came on the 23d to a large camp inclosed by a thick fence, where they found about twelve pounds of good French bread, and a keg, which from appearances had lately contained wine. Having arrived opposite to Crown Point on the 25th, they perceived two canoes with Indians on the lake, and imprudently fired upon them. The garrison at Crown Point, taking the alarm, fired several guns, and sent out a party to intercept them. Melvin and his party immediately started on their return, marching for three or four miles through a deep morass. On the 26th, they saw the tracks of a hundred and fifty or two hundred of the enemy, who had evidently left that morning, having taken the course by which Melvin's party had reached Lake Champlain. Upon this they took a south direction, marched up the south branch of Otter creek, and on the 30th came upon a branch of West river. Provisions being very short, they began their march before sunrise on the 31st, and travelled until about half after nine o'clock in the morning. On the banks of West river, several of the company being faint and weary, desired to stop and refresh themselves. Having halted, they took off their packs and began shooting the salmon, then passing up the shoals of the river. While thus engaged, the Indians, who, unknown to Melvin, were then in pursuit of him and his party, directed probably by the report of the guns, pressed forward, and suddenly opened a fire upon the incautious scout from behind the logs and trees, about thirty feet distant. Melvin endeavored to rally his men, who had been thrown into the greatest confusion by this unexpected attack, but was unsuccessful, for after firing one volley, they retreated, some running up, some down the river, others crossing to the opposite side, and two or three escaping to a neighboring thicket. Deserted by his men, Capt. Melvin was left alone to defend himself. Several of the Indians attempted to

strike him with their hatchets, others threw them at him, and one of them, or a shot, carried away his belt, and with it his bullets. He then ran down the river, and was followed by two Indians, who as they approached, called to him, "Come Captain," "Now Captain." On pointing his musket at them, they fell back a little, upon which he ascended the bank of the river, when they again fired at him. Gaining a side hill, commanding a view of the place where the skirmish had taken place, he there sat down to watch for his men, and wait for the shout of the Indians, usually given when they have obtained a victory; but not seeing the former, nor hearing the latter, he started for Fort Dummer, where he arrived on the 1st of June, about noon time. One of his men had come in a little before him, and eleven more arrived, though in several companies, in the course of a few hours.

In this fight, five of Melvin's party, viz. Sergt. John Heywood, Sergt. Isaac Taylor, Privates John Dodd, Daniel Mann and Samuel Severance were killed outright. Joseph Petty was wounded, and his comrades being unable to take him with them in their flight, left him in a hut made with boughs, situated near a spring. Before departing, they placed beside him a pint cup filled with water, and told him "to live if he could" until they should return with assistance. On the 2d, Capt. Melvin, with forty-six men, left Fort Dummer for the place where the fight had occurred. Great search was made for Petty, but he was nowhere to be found. After having buried the dead above named, with the exception of Samuel Severance, whose body was not discovered until some time after, the party returned to Fort Dummer, having been absent about three days. On the 6th, Lieuts. Alexander and Hunt, with a large force, went again to search for Petty. In one report it is stated that he was found dead; in another, that his body was never discovered. From the secrecy used in concealing the bodies of their companions, it was impossible to determine the loss of the enemy. The fight is supposed by some to have taken place within the limits of the present township of New Fane, but it is more probable that the scene of the conflict was within the bounds of either Jamaica or Londonderry, the latter being the most likely, as the situation corresponds best with that given by Capt. Stevens, viz. "thirty-three miles from Dummer, up West river."*

* N. H. Hist. Soc. Coll., v. 208-211.

Capt. Stevens's party, who separated from Capt. Melvin's, as has been previously mentioned, passed down Otter creek a short distance, and then struck eastward in the hope of reaching White river. After travelling five days along one stream, which they crossed in one day thirty-five times, they reached its mouth and found it to be the "Quarterqueeche." Proceeding down the Connecticut on rafts and in canoes, they reached Number Four on the 30th of May after an absence of two weeks. Having remained there a few days Capt. Stevens, with a force of sixty men, started on the 2d of June for Fort Dummer. Setting out about sunset they arrived there the next morning about three o'clock. A number of the inhabitants of Northampton, Hadley, Hatfield, Deerfield, Northfield, and Fall Town, had already assembled to render such assistance as they could to Capt. Melvin, but on the appearance of Capt. Stevens with his men they returned to their homes. Stevens remained at Fort Dummer nearly two weeks, at the end of which time he returned in safety to Number Four with his men and a stock of provisions.

On the 16th, the day after his return, a party of fourteen men, while on their way from Hinsdale in New Hampshire to Fort Dummer, fell into an ambuscade of Indians, and Jonathan French, Joseph Richardson, and John Frost were killed. Henry Stevens, Benjamin Osgood, William Blanchard, Joel Johnson, Matthew Wyman, Moses Perkins, and William Bickford were made prisoners, of whom the latter died of a wound received in the encounter. Of the remaining four, one was wounded in the thigh and three escaped unhurt. On the following day Capt. Ebenezer Alexander, who, with a party of sixteen, had been sent from Northfield to bring in the dead and wounded, discovered signs which led him to conclude that a great number of the enemy were scattered in small parties throughout that region of country.

The prisoners, six in number, were taken to Canada, whence they all returned in the course of time. The stories of five of them, which have been preserved, may not be wholly uninteresting. Henry Stevens Jr., of Chelmsford, at the time he was taken captive, was under the command of Col. Josiah Willard at Fort Dummer. After being plundered by the Indians of everything he had of value, he was carried to Quebec, where he arrived on the 1st of July after a journey of two weeks. There he lay in prison until the 27th of August, when he was

put on board a French man-of-war about to sail as a flag of truce to Cape Breton. On the passage from Quebec to Cape Breton, where he arrived about the middle of September, he was very sick of a fever, and, continuing so on landing, he was placed in the hospital, where he remained until the 14th of October, when he took passage for New England, and reached his home on the 12th of November, after an absence of five months, having endured in that time many and severe hardships.

Benjamin Osgood of Billerica, and William Blanchard of Dunstable, both belonging to the garrison at Ashuelot, under the command of Capt. Josiah Willard Jr., were taken as captives to Canada, and after remaining there several months were permitted to return under a flag of truce. They reached their homes on the 15th of October, but the former died soon after, from causes superinduced by the trials he had undergone. Joel Johnson, of Woburn, who in the month of March previous had been impressed as a soldier, also belonged to the garrison at Ashuelot. When captured he was stripped of most of his apparel, deprived of his gun, and when he arrived in Canada "suffered great abuse by the Indians there in running the gauntlet.*" He was released in September, and reached his home in the beginning of the following month, feeble, emaciated, and unfit for active labor. Matthew Wyman, of the

* An incident in the life of General Stark furnishes an explanation of the term used in the text. It will be necessary to premise that John Stark and Amos Eastman had, on the 28th of April, 1752, been taken prisoners by a party of St. Francis Indians, while hunting along the banks of Baker's river in Rumney, New Hampshire. The narrative then proceeds: "On the 9th of June, the party returned to St. Francis, where Stark rejoined his companion Eastman. They were compelled to undergo what is called the ceremony of running the gauntlet; a use of that term which modern effeminacy would hardly admit. It was the universal practice of the North American Indians to compel their captives to pass through the young warriors of the tribe, ranged in two lines, each furnished with a rod, and when highly exasperated with deadly weapons—and to strike the prisoners as they passed. In the latter case, the captive was frequently killed before he could reach the council house, at which the two lines of Indians terminated. On the present occasion, Eastman was severely whipped as he passed through the lines; Stark, more athletic and adroit, and better comprehending the Indian character, snatched a club from the nearest Indian, laid about him to the right and left, scattering the Indians before him, and escaped with scarcely a blow; greatly to the delight of the old men of the tribe, who sat at some distance witnessing the scene, and enjoying the confusion of their young warriors."—Everett's Life of Stark, in Sparks's Library of American Biography, i. 9, 10; Memoir of General Stark, by his Son, pp. 174, 175.

same garrison, after being relieved of his gun and hat, was treated in the same manner as his companions in affliction. Being exchanged he sailed for Boston, which port he reached in October, in company with Capt. Britt of Newbury, and more than forty other prisoners of war.

While the condition of the frontiers was very unsafe, owing to the virulence of Indian enmity, and at a time when wise counsel and discretionate zeal were most needed, Col. John Stoddard, of Northampton, who had been intrusted with the general superintendence of the defence of this portion of the country, and who for many years, by the faithful discharge of his various duties in public life, had well merited the praises he received, died while attending the General Court at Boston.

Col. Israel Williams of Hatfield, who had acted as Commissary under him, was chosen his successor; and Major Elijah Williams of Deerfield, was appointed Commissary under John Wheelwright, the Commissary-General.*

Soon after Col. Williams had entered upon the duties of his arduous office, Capt. Humphrey Hobbs, with forty men, was ordered from Number Four to Fort Shirley, in Heath, one of the forts of the Massachusetts cordon. Their route lay through the woods, and the march was made for two days without any interruptions save those occasioned by natural obstructions. On Sunday, the 26th of June, having travelled six miles, they halted at a place about twelve miles north-west of Fort Dummer, in the precincts of what is now the town of Marlborough. A large body of Indians who had discovered Hobbs's trail had made a rapid march, in order to cut him off. They were commanded by a resolute chief named Sackett, said to have been a half-blood, a descendant of a captive taken at Westfield, Massachusetts. Although Hobbs was not aware of the pursuit of the enemy, he had circumspectly posted a guard on his trail, and his men having spread themselves over a low piece of ground, covered with alders intermixed with large trees, and watered by a rivulet, had prepared their dinner, and were regaling themselves at their packs. While in this situation, the rear guards were driven in from their posts, which was the first intimation given of the nearness of the enemy. Without knowing the strength of his adversaries, Capt. Hobbs

* Hoyt's Indian Wars, p. 249.

instantly formed his men for action, each one, by his advice, selecting a tree as a cover.

Trusting in the superiority of their numbers and confident of success, the enemy rushed forward with shouts, but Hobbs's well directed fire, by which several were killed, checked their impetuosity and caused them to retreat for shelter behind the trees and brush. The action now became warm, and a severe conflict followed between sharpshooters. The two commanders had been known to each other in time of peace, and both bore the character of intrepidity. Sackett, who could speak English, frequently called upon Hobbs in the tones of a Stentor, to surrender, and threatened, in case of refusal, to destroy his men with the tomahawk. Hobbs, with a voice equally sonorous, returned the defiance as often as given, and urged his antagonist to put his threat into execution. The action continued for four hours, Hobbs's party displaying throughout the most consummate skill and prudence, and neither side withdrawing an inch from its original situation. The Indians not unfrequently approached the line of their adversaries, but were as often driven back to their first position by the well directed fire of the sharp-sighted marksmen. Finding Hobbs determined on resistance, and that his own men had suffered severely in the struggle, Sackett finally ordered a retreat, and left his opponent master of a well fought field.

Hobbs's men were so well protected, that only three, Ebenezer Mitchel, Eli Scott, and Samuel Gunn, were killed in the conflict. Of the remainder, Daniel McKinney of Wrentham, Massachusetts, had his thigh broken by a ball from the enemy, and was thereby disabled for life. Samuel Graves Jr. of Sunderland, Massachusetts, a lad seventeen years of age, "behaved with good resolution and courage, and well acquitted himself in his place, and stood his ground till he was unfortunately shot by a ball from the Indian enemy, which struck him near the middle of his forehead, went through part of his head and came out of the left side, almost over his ear, bringing with it almost two spoonfuls of his brains, by which unhappy accident his life was in very great danger and almost despaired of." "But through divine undeserved goodness," in the words of his memorial, "his life is continued, but under great difficulty, by reason of fits of the falling sickness, which render him incapable of business." Nathan Walker, of Sudbury,

Massachusetts, received a wound in the arm during the engagement, and Ralph Rice was also injured.

Many of the enemy were seen to fall, particularly when they advanced and exposed themselves, and although their loss was undoubtedly great, yet so effectually did they conceal it, that it was impossible to determine its extent. After the Indians had disappeared, Capt. Hobbs and his men remained concealed until night, fearing another attack; but there being no signs of the enemy, favored by the darkness they gathered their packs, took up the dead and wounded, and after burying the former under some old logs about half a mile from the scene of action, and conducting the latter—two of whom, Graves and Kinney, they were obliged to carry—to a more convenient place, about two miles distant, they encamped for the night. They arrived at Fort Dummer on the 27th, at four o'clock in the afternoon, and sent the wounded to Northfield, where they could receive proper medical attention. Two days after, having received no answer to the expresses which had been sent to Hadley and Hatfield for assistance, Capt. Hobbs and Lieut. Sheldon, with forty-nine men, set out from Fort Dummer, about three o'clock in the afternoon, for the place where the fight had occurred. About sunset hearing a gun fired in the rear, and at night a report in advance, then another in the rear, and the same repeated several times, they concluded they were discovered, and fearing an ambush, set out for the fort, where they arrived the next morning in safety a little after sunrise, and immediately fired the "Great Gun," the signal for aid.

In the fight between Hobbs and Sackett, according to the long established custom, whenever an Indian fell, his nearest comrade stealthily approaching the body under cover of the trees and underbrush, would attach to it a *tump line* and cautiously drag it to the rear. Although the Indians sometimes exposed themselves in this manner more than in regular combat, yet so skillfully was the action performed that the dead bodies seemed to Hobbs's men to slide along the ground as if by enchantment.*

The number of Sackett's force, though not known, has been estimated at the least as four times that of the English; and it is probable that, had he known his numerical superiority, he

* In his Dictionary of Americanisms, p. 366, Bartlett defines the Indian verb *tump*, "to draw a deer or other animal home through the woods, after he has been killed." According to the same authority a *tumpline* is "a strap placed across the forehead to assist a man in carrying a pack on his back."

would have adopted a different method of warfare. This battle was regarded by the people in the vicinity as a masterpiece of persevering bravery, and served, to a certain extent, to remove the unfavorable impression produced by the defeat of Melvin's scout. "If Hobbs's men had been Romans," observes one writer, "they would have been crowned with laurel, and their names would have been transmitted with perpetual honor to succeeding generations."*

The enemy still continued their depredations on the frontiers, and, in the early part of July, killed at Ashuelot ten or eleven head of cattle, and drove off all the rest they could find in the neighborhood. On the 14th of the same month, as ten men were travelling from Northfield to Ashuelot, by the way of Fort Dummer, in order to supply the place of the ten who had been killed or captured the month before, they being in company with some other soldiers who belonged to Fort Dummer and to Capts. Stevens and Hobbs's companies, the whole party, seventeen in number, were fired upon by a body of French and Indians, who had ambushed their path, about half a mile from Fort Dummer, within a few rods of the spot where the former conflict had taken place. Although they had taken the precaution to keep out an advanced guard on each side of the path, while on their march, yet so suddenly were they waylaid, and by a force numerically so much their superior, that more than a hundred bullets were discharged at them, before they had time to reload after the first fire. They immediately fled for shelter to the bank of the river, but were pursued and overcome after a short skirmish.

The interposition of Connecticut river, the small number of the men at Fort Dummer, sixteen only, half of whom were by sickness unfit for duty, rendered it impossible for the garrison there to relieve their friends, or pursue the enemy. Some of them, however, ran down the river, and discovering on the other side a wounded man, and another endeavoring to escape to the fort, they guarded them up and over the river to their place of destination. Two others turned back and reached Col. Hinsdell's fort in safety. The "Great Gun" at Fort Dummer was fired, but only three persons that night responded by their presence to this signal for assistance.

* MS. papers in office Sec. State, Mass. Hoyt's Indian Wars, pp. 249-251. Dwight's Travels, ii. 81.

The news of the conflict having reached Number Four on the 15th, Capt. Stevens with thirteen men, Lieut. Hoit with thirty, and Lieut. Bills with more than twenty, immediately set out for Northfield. On the next day, Capt. Leeds and Lieuts. Stratton and Sheldon joined Capt. Stevens, and the whole force, amounting to one hundred and twenty-nine men, including officers, marched to the spot where the conflict had taken place. They found there the dead bodies of Asahel Graves of Hatfield, and Henry Chandler of Westford, entirely stripped of arms and clothing. Having performed the rites of burial, and being joined by Col. Willard, of Fort Dummer, for whom they had sent, they followed the enemy's track a mile further, and discovered the bodies of Joseph Rose of Northfield, and James Billings of Concord. It was supposed that these men had been wounded in the fight, and being too much exhausted to proceed further with their captors, had been summarily dispatched. They also found the body of a soldier who had been slain in the former encounter. Returning to Fort Dummer, they were soon after joined by several of the inhabitants of Northampton, Hadley, Hatfield, and Sunderland, who had received orders from Col. Porter and Major Williams to "scour the woods." On the 17th, a consultation was held at Hinsdell's Fort, where Capt. Leeds was then stationed. It was determined that Capt. Stevens, who had the command of the whole party, should examine the woods in the neighborhood, and discover, if possible, the intentions of the enemy. Returning in the afternoon to Fort Dummer, it being Sunday, Mr. Gardner, the chaplain, in view of the disastrous events which had lately occurred, and the surprises with which these occurrences had invariably commenced, preached from the Revelation of St. John, the third chapter and third verse, "If therefore thou shalt not watch, I will come on thee as a thief, and thou shalt not know what hour I will come upon thee."

On Monday, the 18th, Capt. Stevens, with one hundred and twenty men, set out on the scouting expedition which had been planned the day previous. After visiting the spot where Hobbs's fight had occurred, burying the dead they there found, and following the enemy some distance, whom, however, they were not able to overtake, they returned on the 20th, reaching Fort Dummer at noon.

What the loss of the French and Indians was on this occasion, as on all former occasions, it was impossible to determine.

That two Indians were slain was certain, and it was probable that more were killed or wounded, as the soldiers faced and fought them at the first onset, and the scouts afterwards discovered the places where four biers or litters had been cut and prepared.

Robert Cooper, one of the men who escaped to Fort Dummer, was wounded in his left side in two places, and his arm and one of his ribs were severely fractured. He remained at the fort under the care of Andrew Gardner, who was "chyrurgeon" as well as chaplain, until February of the next year, by which time he had recovered sufficiently to warrant his removal to a more comfortable place.

Although nine were taken prisoners, yet that they did not submit very readily, will be seen from the following incident: John Henry, of Concord, after being wounded and having received seven bullets in his clothing, succeeded in escaping to a neighboring thicket, where he might have remained in safety, being entirely concealed. But happening to see an Indian seize one of his fellow-soldiers at a little distance from his place of retreat, he ran up within a few feet of the Indian and shot him through the body, whereupon a number of the enemy surrounded him, whom he engaged with his gun clubbed until it was broken in pieces, upon which he was obliged to surrender. During his captivity, he was barbarously used by the Indians, probably on account of the spirited resistance with which he had opposed them. Ephraim Powers of Littleton, and John Edgehill of Lexington, the latter an apprentice to Jacob Pike of Framingham, were, both of them, stripped of their clothing, arms, and ammunition, and the former also received a wound in the head. After their return from Canada, they were for a long time incapable of any labor on account of the hardships and sufferings they had undergone.

The other captives were Sergt. Thomas Taylor of Northfield, Jonathan Lawrence Jr. of Littleton, Reuben Walker of Chelmsford, Daniel Farmer of Granton, Daniel How of Cambridge, and Thomas Crisson of Rutland. Most of them were young men, and some of them had been impressed into the service, as was the custom of the times, when a sufficiency of soldiers could not be obtained by regular enlistment. They lost everything of value which they had with them, and were, with the others before mentioned, taken to Canada, where they were sold to the French, who retained them until the 1st of October when they were released and allowed to return home.

The route pursued by the Indians in reaching Crown Point on their way to Canada, is thus described by Sergt. Taylor, one of the captives: "They crossed the Connecticut at a place then called *Catts-bane*, two or three miles above the mouth of West River, which they fell in with at the lower fork; thence proceeded up that river, part of the way on the flats, over the ground where Capt. Melvin's affair happened, three or four miles below the upper fork; thence to the source of the river, and over the high lands to Otter Creek; thence down this creek several miles, and crossing, proceeded to Lake Champlain about twelve miles south of Crown Point, whence they proceeded in canoes to that post. The enemy carried several of their wounded, and were joined on the route by another body with a prisoner, Mrs. Fitch, taken at Lunenburgh. The Indians halted in the middle of the forenoon, at noon, and the middle of the afternoon—their march, twenty miles per day."*

The General Court of Massachusetts, in view of the services rendered, gave especial rewards to Sergt. Taylor, to the three of his companions who were the greatest sufferers, and to the representatives of those who were slain.

This calamity, and the others which had preceded it, aroused the attention of Massachusetts to the necessity of a more efficient defence of the frontier settlements. Brig.-Gen. Joseph Dwight wrote to Secretary Willard, of Massachusetts, on the

* Hoyt's Indian Wars, p. 251. In the year 1739, John Fitch purchased one hundred and twenty acres of land, situated about seven and a half miles above the meeting-house in Lunenburgh, Massachusetts, where he built a house and cultivated a farm. For a defence against the enemy, he afterwards erected a block-house, at which scouting parties were accustomed to rendezvous. On the 5th of July, 1748, there being but two soldiers with him, the enemy appeared, shot one of them, and drove Fitch and the other into the garrison. After besieging the garrison about an hour and a half, the other was shot through the porthole in the flanker. Fitch being left alone and unable longer to resist, was taken prisoner with his wife and five children. The Indians, after possessing themselves of such things as they wished, burned the house and garrison, and set out with their captives for Canada. It is probable that the party separated before reaching Crown Point, since Sergt. Taylor, in mentioning the arrival of Mrs. Fitch, makes no reference to her husband, who was probably in another company. The youngest of the children was not weaned, and two of the others, from want of provisions, became murlings on the way. After a wearisome march, they reached their place of destination, but were not obliged to remain long in captivity, being allowed to return home early in the following fall. Having reached New York, they set out for Massachusetts by the way of Rhode Island; but Mrs. Fitch, wearied by the long journey she had just accomplished, and overcome by her sufferings, died at Providence.

16th of July, praying for a "thousand men to drive the woods and pursue the enemy to Crown Point;" also, for several troops of horse. He also proposed, that other means than those which had been heretofore used, should be tried to enlist soldiers, and that £1000 should be paid for every Indian killed, the scalp to be a sufficient order for the reward. Col. Israel Williams of Hatfield also wrote to Governor Shirley, on the 16th, advising that twenty or thirty of the Six nations of Indians should reside at Number Four and at Fort Massachusetts. Their presence, it was urged, would ward off the attacks of the enemy. Col. Josiah Willard, of Fort Dummer, in a letter written on the 19th, said: "Ever since Number Four above us has been so mantled,* they (the Indians) press exceeding hard upon Fort Dummer and Mr. Hinsdell's garrison, both which are very weak-handed. My business of procuring stores obliges us to go out, and having but sixteen men in y^e fort, we are exceedingly exposed." His son, Major Josiah Willard, of Ashuelot, in a letter dated a few days previous, complained of the scarceness of provisions at Number Four.

In answer to these various communications, Governor Shirley ordered Col. Willard to detain twenty men of the garrison of Number Four at Fort Dummer, for a short time while the enemy were near; and it appears that Capt. Thomas Buckminster, with forty-seven men, was stationed there from the 6th to the 20th of August.

The incursions of the Indians during the remainder of the year, were neither numerous nor extended. On the morning of the 23d of July, a little before sunrise, six Indians having attacked Aaron Belding, killed and scalped him on the main street in Northfield. The inhabitants were generally in bed, but on hearing the alarm arose as fast as possible, and hurried to the spot. The Indians had, however, made good their escape, and though they were hotly pursued, yet it was to no purpose.

An attack on Fort Massachusetts was the last hostile act of the enemy for the year. Suitable provision was made for maintaining the principal forts during the coming winter; and by the special advice of Governor Shirley, fifteen men were stationed at Fort Dummer, and five at Hinsdell's Fort, there to remain for seven months from the 20th of November.

* Covered, guarded or protected.

CHAPTER III.

FRONTIER LIFE.

Preparations for Defence—Life of the Frontier Settlers—Soldiers' Quarters—Diversions of Spring, Summer, Autumn, Winter—Effects of a Declaration of War—Grants of Townships on Connecticut River by Massachusetts—Number One or New Taunton—Conditions of a Grant—First Settlement of New Taunton, now Westminster—The place abandoned—Re-settled—Proposition to Settle the Coos Country—John Stark—Convention at Albany—Incursion at Charlestown—Birth of Captive Johnson—Inscription commemorative of the Circumstance—Other Depredations—Defences—The Great Meadow—Its Settlement—Partisan Corps—The Life of a "Ranger"—Continuation of Incursions—Attack on Bridgman's Fort—Captivity of Mrs. How—Attack near Hinsdale's Fort—Dispute as to the Maintenance of Fort Dummer—Death of Col. Ephraim Williams.

THE peace of Aix-la-Chapelle, concluded on the 18th of October, 1748, and proclaimed at Boston in January, 1749, although it put an end to the war between England and France, did not immediately restore tranquillity to the colonies. Early in the next year, hostile Indians began as usual to hover around the frontier settlements, and on the 20th of June, a party of them in ambush shot Ensign Obadiah Sartwell, of Number Four, as he was harrowing corn in his house-lot, and took captive Enos Stevens, son of the renowned captain. About the same time Lieut. Moses Willard, in company with his two sons and James Porter Jr., discovered at the north of West river mountain five fires, and numerous Indian tracks; and as Mr. Andros was going from Fort Dummer to Hinsdell's garrison, he saw a gun fired among some cattle as they were grazing but a short distance from him. These indications were enough to awaken suspicions of a bloody season, and the General Court accordingly enlisted a force of fifty men to serve as scouts between Northfield and Number Four, having their head-quarters at Fort Dummer and Col. Hinsdell's garrison,

and being under the command of Col. Josiah Willard. They continued on this service from the 26th of June to the 17th of July, and were then dismissed, it appearing that the enemy had removed from that portion of the country. Although hostilities had ceased, and notwithstanding a treaty of peace was concluded with the Indians at Falmouth in the month of September following, yet the forces were not wholly withdrawn from the frontiers. A garrison of fifteen men, afterwards reduced to ten, was continued at Fort Dummer from September, 1749, to June, 1750, and the same number of men was stationed respectively at Number Four and Fort Massachusetts during the same period.

Throughout the whole of this war, the Indians were generally successful in their attacks upon the whites, and yet there were no instances in which deliberate murder was committed, or cruel torture inflicted on those who fell into their hands. On the contrary, their captives were always treated with kindness; blankets and shoes were provided to protect them from the inclemencies of the weather, and in case of a scarcity of provisions the vanquished and victor shared alike.

Civilization in this part of the country, even if it had not retrograded during these struggles, had made but little advance, and many of the settlements which had been commenced before the war, were wholly abandoned during its progress. The people not belonging to the garrisons and who still remained on the frontiers, lived in fortified houses which were distinguished by the names of the owners or occupants, and afforded sufficient defence from the attacks of musketry. The settler never went to his labors unarmed, and were he to toil in the field would as soon have left his instruments of husbandry at home as his gun or his pistols. Often was it the case, that the woods which surrounded his little patch of cleared ground and sheltered his poor but comfortable dwelling, sheltered also his most deadly enemy ready to plunder and destroy.*

* The fortified houses were in some instances surrounded with palisades of cleft or hewn timber, planted perpendicularly in the ground, and without ditches. The villages were inclosed by larger works of a similar style. Occasionally, flanking works were placed at the angles of fortified houses, similar to small bastions. "A work called a mount was often erected at exposed points. These [mounts] were a kind of elevated block-house, affording a view of the neighboring country, and where they were wanting, sentry-boxes were generally placed upon the roofs of houses."—Hoyt's Indian Wars, p. 185.

Solitary and unsocial as the life might seem to be which the soldiers led in the garrisons—distant as they were from any but the smallest settlements, and liable at almost any moment to the attack of the enemy—yet it had also its bright side, and to a close observer does not appear to have been wholly devoid of pleasure. The soldiers' quarters were for the most part comfortable, and their fare, though not always the richest, was good of its kind. Hard labor in the woods or field, or on camp duty, afforded a seasoning to their simple repast, the piquancy of which effeminate ease never imagined. Those who kept watch by night, rested by day, and none, except in times of imminent danger, were deprived of their customary quota of sleep.

In the spring, when the ground was to be ploughed and the grain sown, with a proper guard stationed in different parts of the field, the laborers accomplished their toil. In the pleasant afternoons when the genial sunshine was bringing out "the blade, then the ear, after that the full corn," a game at ball on the well trodden parade, or of whist with a broad flat stone for a table, and a knapsack for an easy cushion, served either to nerve the arm for brave deeds, and quicken the eye with an Indian instinct, or to sharpen in the English mind that principle, which nowadays has its full development in Yankee cunning. Pleasant also was it to snare the unsuspecting salmon as he pursued his way up the river; exciting to spear him, when endeavoring to leap the falls which impeded his advance.

The grass ripened in the hot summer's day, and the crop was carefully gathered, that the "kindly cow" might not perish in the long winter, and that the soldier might occasionally renew his homely but healthful bed of hay. By and by, when the golden silk that had swayed so gently on the top of the tall stalk, turning sere and crinkled, told that the maize with which God had supplied the hunger of the Indian for ages, was ready to yield nourishment to his bitterest enemy the white, then for a while was the sword exchanged for the sickle, and the shouts of harvest-home sounded a strange contrast to the whoop of the foeman. And then at the husking, no spacious barn which had received the golden load, beheld beneath its roof the merry company assembled for sport as well as labor, but when gathered in knots of three or four, or it might be a half dozen, as they stripped the dried husk, and filled the basket with the full ears, or cast the dishonored nubbins in some ignoble corner, who doubts that their thoughts wandered back to the dear delights

which even the puritan customs of the old Bay Province had allowed them to enjoy, and that their minds lingered around the pleasant scenes of bygone days, until fancy had filled the picture to which reality had given only the frame. This also was the season when the deer furnished the best venison, and the bear the richest tongue and steak; and when there was no enemy near, to be attracted by the sound, the click of the rifle was sure premonition of a repast, which had it not been for the plainness of its appointments, would have been a feast for an epicure.

When winter had mantled the earth, then did the old woods, which had stood for ages undisturbed, feel the force of the sturdy blow, and many a noble oak yielded up its life, that the axe which wounded it might be new-handled, the fort repaired where time and the enemy had weakened it, and the soldiers warmed when benumbed by cold and exposure. Then, too, would they prepare the trap for the big moose, or on snow-shoes attack him on his own premises; and when the heavy carcass arrived piecemeal at its destination, its presence spoke of plenty and good cheer for a long season.

On the Sabbath, if the garrison was provided with a chaplain, what themes could not the preacher find suggestive of God and goodness? The White Hills on one side, and on the other the Green Mountains, pointed to the heaven of which he would speak, and emblemized the majesty of him who reigned there. The simple wild wood flowers taught lessons of gentleness and mercy; and when the hand of the foe had destroyed the habitation, and widowed the wife, and carried the babes captive; when the shriek at midnight, or in the day-time the ambush in the path, told of surprise or insecurity, with what pathos could he warn them of "the terror by night," of "the arrow that flieth by day," of "the destruction that wasteth at noonday," and urge upon them the necessity of preparation not only temporally but for eternity.

Joyful was the hour when the invitation came to attend the raising of some new block-house, or of a dwelling within the walls of a neighboring garrison. As timber rose upon timber, or as mortise received tenon, and mainpost the brace with its bevel joint, tumultuously rose the shouts and merrily passed the canteen from mouth to mouth with its precious freight of rum or cider. And when the last log was laid, or the framework stood complete, foreshadowing the future house in its skeleton outline,

then how uproariously would the jolliest of the party in some rude couplet give a name to the building, and christen it by breaking the bottle, or climbing to the top, fasten to the gable end the leafy branch, while his companions rent the air with their lusty plaudits!

Great was the pleasure when the watchful eye of the officer detected the drowsy sentinel sleeping on guard. Forth was brought the timber-mare, and the delinquent, perched on the wooden animal, expiated his fault amid the jeers of his more fortunate comrades. When the black night had enshrouded all objects, with what terror did even brave men hear the hostile whoop of the Indian, or with what anxious attention did they listen to the knocking of some bolder warrior at the gate of their garrison, and how gladly did they hail the approach of light, driving with its presence fears which the darkness had magnified in giant proportions.

And when thus much has been said of the pleasures and of the better feelings appertaining to garrison-life, all has been said. In many instances the soldier impressed into the service was forced to fulfil an unwilling duty. Sometimes the wife or the mother accompanied the husband or son, and shared voluntarily his humble fare and hard lot. Yet there was then but little attention paid to the cultivation even of the more common graces of society, and the heart "tuned to finer issues" found but little sympathy in the continuous round of the severest daily duties.

When a war was declared between England and France, the hostile forces of those countries, on the sea or on the land, in decisive battles determined for a time, at least, the condition of either nation. But when the war was proclaimed at Boston, a series of border depredations, beginning perhaps in the slaughter of an unsuspecting family at midnight, varied with numerous petty but irritating circumstances, every act closing with an ambush attack, and a wild foray composing the conclusion, such was the result in the colonies, such was the drama, a drama of tragedy and blood. Cruelty on the one hand begat cruelty on the other, until large sums were paid by the whites for the captive Indian, or for the bloody scalp of the murdered one. And yet, on the part of the English in America, the war was not one of retaliation. They prepared their forts and their garrisons, it is true, and sent forth their scouting parties in every direction; but by the former means did they attempt to

repel the attacks of invaders, and by the latter to drive them without their boundaries. The history of the natural, inherent rights of the Indian, involves an argument too deep for these narrative pages. Still there is no one who can question the right of the settlers to defend their property, though it might be unwittingly placed on the land claimed under the law of nature, by which the Indian demanded as his own territories, those on which he had hunted, and as his streams those in which he had fished, and on which he had paddled his canoe.

Many petitions having been presented to the General Assembly of Massachusetts, in the year 1735, praying for grants of land on the Connecticut and Merrimack rivers, that body, on the 15th of January, 1735, ordered a survey of the lands between the aforesaid rivers, from the north-west corner of the town of Rumford on the latter stream to the Great Falls on the former, of twelve miles in breadth from north to south, and the same to be laid out into townships of six miles square each. They also voted to divide the lands bordering the east side of Connecticut river, south of the Great Falls, into townships of the same size; and on the west side, the territory between the Great Falls and the "Equivalent Lands" into two townships of the same size if the space would allow, and if not into one township. Eleven persons were appointed to conduct the survey and division. Twenty-eight townships were accordingly laid out between the Connecticut and Merrimack rivers, and on the west bank of Connecticut river township Number One, now Westminster, was surveyed and granted to a number of persons from Taunton, Norton, and Easton in Massachusetts, and from Ashford and Killingly in Connecticut, who had petitioned for the same.*

The terms upon which the grant of Number One and of the other townships, was made, were these. Each settler was required to give bonds to the amount of forty pounds as security for performing the conditions enjoined. Those who had not within the space of seven years last past received grants of land were admitted as grantees; but in case enough of this class could not be found, then those were admitted who, having received grants of land elsewhere within the specified time, had fulfilled the conditions upon which they had received them. The grantees were obliged to build a dwelling-house

* See Appendix C.

eighteen feet square and seven feet stud at the least, on their respective house lots, and fence in and break up for ploughing, or clear, and stock with English grass five acres of land, and cause their respective lots to be inhabited within three years from the date of their admittance. They were further required within the same time to "build and furnish a convenient meeting-house for the public worship of God, and settle a learned orthodox minister." On failing to perform these terms their rights became forfeit, and were to be again granted to such settlers as would fulfil the above conditions within one year after receiving the grant. Each township was divided into sixty-three rights—sixty for the settlers, one for the first settled minister, another for the second settled minister, and the third for a school. The land in township Number One was divided into house lots and "intervale" lots, and one of each kind was included in the right of every grantee. As to the remainder of the undivided land, an agreement was made that it should be shared equally and alike by the settlers when divided.

Capt. Joseph Tisdale, one of the principal grantees of Number One, having been empowered by the General Assembly of Massachusetts, called a meeting of the grantees at the school-house in Taunton, on the 14th of January, 1737. A committee was then appointed to repair to the new township for the purpose of dividing the land, according to the wishes of the grantees. They were also required to select a suitable place for a meeting-house, a burying-place, a training field, sites for a saw mill and a grist mill, and to lay out a convenient road. The proprietors held a number of meetings, sometimes at Capt. Tisdale's, at other times in the old school-house, and not unfrequently at the widow Ruth Tisdale's. A sufficient time having elapsed, the allotment of the sixty-three rights was declared on the 26th of September, 1737, and proposals were issued for erecting a saw mill and a grist mill at Number One, which was now familiarly called New Taunton, in remembrance of the town where the majority of the proprietors resided. At the same time, a number of the proprietors agreed to undertake the building of the mills, and by the records of a meeting held July 8th, 1740, it appeared that the saw mill had been built, and that means had been taken to lay out a road from it to the highway. Other improvements were made at this period by Richard Ellis and his son Reuben of Easton, who having purchased eight rights in the new township, built there a

dwelling-house, and cleared and cultivated several acres of land. Some of the settlers were also engaged at the same time in laying out roads and constructing fences, who, on their return to Massachusetts, received gratuities for their services from the other proprietors.*

The grantees were preparing to make other improvements, having in view particularly the construction of a road to Fort Dummer, when, on the 5th of March, 1740, the northern boundary line of Massachusetts was settled. On finding by this decision that Number One was excluded from that province, they appointed an agent on the 5th of April, 1742, to acquaint the General Assembly of Massachusetts of the difficulties they had experienced, and of the money and labor they had expended in settling their grant, and to ask from that body directions by which they might firmly secure their rights, although under a different jurisdiction. The meeting at which this appointment was made, was probably the last held by the proprietaries under Massachusetts, and there is but little doubt that the settlement was abandoned upon the breaking out of the "Cape Breton War."

* At a proprietors' meeting held in Taunton on Tuesday, December 2d, 1740, the following appropriations were made:—

"To Mr. Richard Ellis who in a great measure as to us appears, built a dwelling-house, and broke up five or six acres of land, voted to be paid and allowed by said proprietors for both years' service, 1739 and 1740, the sum of £45 0 0

"Voted to be paid Lieut. John Harney for himself and hand in y^e year 1739, £10 0 0

"Voted to be paid James Washburn for his service, and part of the team, £10 0 0

"Voted to be paid Mr. Joseph Eddy for himself and one hand, and one third part of the team, £15 0 0

"Voted to be paid Seth Tisdale for his labour, 1739, £5 0 0

"Voted Jonathan Harney y^e 2d, to be paid, £5 0 0

"Voted to be paid Jonathan Thayer for his service in the year 1740, on said township, £10 0 0

£100 0 0"

Extract from Records of Township No. 1. under Massachusetts.

In the list of the proprietors of Number One, dated November 19th, 1736, appear the names of Joseph and Jonathan Barney of Taunton. There is a tradition that one Barney came to New Taunton as early as the year 1749, that he built there a house, and erected the frame of a saw mill. When driven away by the Indians, it is said that he previously took the precaution to bury the mill irons. A certain stream in the town bore for many years the name of Barney Brook, and Barney Island, in Connecticut river, was for a long time used for farming purposes by the early settlers.

In the spring of the year 1751 John Averill, with his wife, and his son Asa, moved from Northfield, in Massachusetts, to Number One. At that time there were but two houses in the latter place. One of these, occupied by Mr. Averill, was situated on the top of Willard's or Clapp's hill, at the south end of the main street. The other below the hill, on the meadow, and unoccupied, was probably the house built by Mr. Ellis and his son in 1739. In the house into which Mr. Averill moved there had been living four men, one woman, and two children. The men were William Gould and his son John, Amos Carpenter and Atherton Chaffee. Of these, Gould and Carpenter moved their families from Northfield to Number One during the summer of the same year. The first child born in Westminster was Anna Averill. Her birth took place in the autumn of 1751.

On the 9th of November, 1752, Governor Benning Wentworth, of New Hampshire, re-granted Number One, and changed its name to Westminster. The first meeting of the new grantees was held at Winchester, New Hampshire, in August, 1753, at the house of Major Josiah Willard, whose father, Col. Josiah Willard of Fort Dummer, was at the time of his death, by purchase from the original Massachusetts grantees, one of the principal proprietors of Number One.* A subsequent meeting was held at Fort Dummer, in the same year, at which permission was given to those proprietors who had purchased rights under the Massachusetts title and then held them, of locating their land as at the first. Further operations were suspended by the breaking out of the French war, and the families above enumerated were the only inhabitants of Westminster until after the close of that struggle.†

Although the treaty of Aix-la-Chapelle, as well as that with the Indians at Falmouth, had promised a respite from the bloody scenes of border warfare, yet the government of Massachusetts, knowing well the treachery of those with whom they had to negotiate or contend, still retained their forces on the frontiers.‡ Difficulties had already arisen in the eastern quar-

* Deeds conveying to him twelve of the original rights are on record.

† See Appendix D.

‡ From the 21st of June, 1750, until the 20th of February, 1752, Fort Dummer was garrisoned with ten men; fifteen were stationed at Fort Massachusetts, and the same number at Number Four. The pay allowed at this period was: to a captain, £2 2s. 8d.; to a lieutenant, £1 12s. 4½d.; to a sergeant, £1 8s. 1d.; to a corporal, £1 8s. 0d.; to a private sentinel, £1 1s. 4d.

ters of New England, and from a letter written by Col. Israel Williams on the 31st of July, 1750, it would appear that the Indians were at that time expected also on the western frontier. But the season passed without any interruption from the enemy. On the 8th of December following died Col. Josiah Willard, who had been for so long a time the able and efficient commander of Fort Dummer, and was succeeded on the 18th by his son Major Josiah Willard, who had formerly had the charge of a garrison at Ashuelot.

Intelligence having reached Boston, in August, 1751, that a number of the Penobscot tribe had joined the St. Francis Indians with the design of attacking the frontier settlements, Col. Israel Williams was ordered to apprise the garrisons at Number Four, Forts Dummer and Massachusetts, of their danger. The necessary measures of defence were accordingly taken, and in consequence of this vigilant activity, no incursions were made during this summer. A plan was projected about this period of establishing a military settlement on the rich intervals at Coos, extending south from Canada, a considerable distance on both sides of Connecticut river. Many engaged in the enterprise, and in the spring of 1752 a party was sent to view Coos meadows, and lay out the townships. The Indians who claimed this territory, noticing these movements, sent a delegation from their tribe to Charlestown and informed Capt. Stevens that they should resist by force any attempt to carry the plan of a settlement into execution. Governor Wentworth having heard of their determination, deemed it best not to irritate them, and the design was relinquished.*

On the 28th of the following April, ten or twelve of the St. Francis Indians surprised four men who were hunting on Baker's river, a branch of the Merrimack. Amos Eastman and the subsequently-distinguished John Stark were made prisoners. William Stark, a brother of the latter, escaped, but David Stinson, his companion, was killed. By the way of Connecticut river and by portage to Lake Memphramagog, the captives were carried to the Indian country. Stark was at first treated with great severity, but was subsequently adopted as a son of the Sachem of the tribe, and was so much caressed by his captors that he used often to observe, "that he had experienced more genuine kindness from the savages of St. Francis, than he

* Powers's Coos Country, pp. 10-13. Belknap's Hist. N. H., ii. 278, 279.

ever knew prisoners of war to receive from any civilized nation.”*

In February, 1752, the General Court believing that the frontiers were comparatively secure, reduced the garrison at Fort Dummer to five men. In this condition it remained under the command of Josiah Willard, to whom a sergeant's pay was allowed, until January, 1754, when the same body voted that, “from and after February 20th next, no further provision be made for the pay and subsistence of the five men now posted at Fort Dummer, and that the Captain General be desired to direct Major Josiah Willard to take care that the artillery and other warlike stores be secured for the service of the government.” Notwithstanding this vote, the same force and the same commander were continued until the following September. The year 1753 was one of comparative quiet. Settlements multiplied and immigration increased. But in a country, the power of whose masters had only been checked, nothing but temporary peace could be expected. A short respite from the barbarities of a savage warfare, was sure to be followed by a long period of melancholy disasters. Nor was the present instance an exception to the rule. The encroachments of the French on the Ohio, and the renewal of hostilities by the Indians on the frontiers of New England, manifested the presence of a disposition as fierce and warlike as that which had preceded the struggles of former years. On this account the home government ordered the colonies to place themselves in a state of preparation, and counselled them to unite for mutual defence. In compliance with this advice, Governor Shirley proposed to the governors of the other provinces to send delegates to Albany, to draw up articles for a protective union and hold a treaty with the Six nations. His proposition was adopted. Delegates from seven provinces met at the convention on the 19th of June, 1754. A treaty was concluded with the Indians, and on the 4th of July, twenty-two years before the Declaration of American Independence, a plan for the union of the colonies was agreed on. Copies of the plan were sent to each of the provinces represented, and to the King's Council. By the provinces it was rejected, “because it was supposed to give too much power to the representatives of the King.” It met with a

* Memoir of General Stark, by his son, Concord, 1831, p. 174. Hoyt's Indian Wars, p. 260.

similar fate at the hands of the Council, "because it was supposed to give too much power to the representatives of the people." By this disagreement, the colonies were obliged to fall back on their old system of warfare. Each government was left to contend with its enemies as best it might.*

For the defence of Massachusetts and her frontiers, during the year 1754, Governor Shirley, on the 21st of June, ordered the commanders of the provincial regiments to assemble their troops for inspection, and make returns of the state of their forces at head-quarters. The towns in the province were also ordered to furnish themselves with the stock of ammunition required by law. It was not until late in the summer that the enemy renewed their incursions on the frontiers of New Hampshire. At Baker's town, on the Pemigewasset river, they made an assault on a family, on the 15th of August, killed one woman, and took captive several other persons. On the 18th they killed a man and a woman at Stevens's town, in the same neighborhood. Terrified at these hostile demonstrations, the inhabitants deserted their abodes, and retired to the lower towns for safety, and "the government was obliged to post soldiers in the deserted places." At an early hour on the morning of the 30th, the Indians appeared at Number Four, or Charlestown, on Connecticut river, broke into the house of James Johnson, before any of the family were awake, and took him prisoner, together with his wife and three children, his wife's sister, Miriam Willard, a daughter of Lieutenant Willard, Ebenezer Farnsworth, and Peter Labaree. Aaron Hosmer, who was also in the house, eluded the enemy by secreting himself under a bed. No blood was shed in the capture, and soon after daylight the Indians set out with their prisoners for Canada, by the way of Crown Point. On the evening of the first day, the whole party encamped in the south-west corner of the present township of Reading, in Vermont, near the junction of what is now called Knapp's brook with the Black river branch. On the morning of the 31st, Mrs. Johnson, who had gone half a mile further up the brook, was delivered of a daughter, who, from the circumstances of her birth, was named Captive. After a halt of one day the march was resumed, Mrs. Johnson being carried by the Indians on a litter which they had prepared for her accommodation. As soon as her strength would permit, she was allowed to ride

* Holmes's Annals, ii. 200, 201. Hoyt's Indian Wars, pp. 260, 261.

a horse. The journey was long and tedious, and provisions were scanty. It finally became necessary to kill the horse for food, and the infant was nourished, for several days, by sucking pieces of its flesh.*

Captive Johnson was afterward the wife of Col. George Kimball of Cavendish. Upon the north bank of Knapp's brook in the town of Reading, beside the road running from Springfield to Woodstock, stand two stones commemorative of the events above recorded. The larger one is in its proper place, and the smaller one, though designed to be located half a mile further up the brook, whether by accident or intention, has always stood at its side. The stones are of slate, and of a very coarse texture. They bear the following inscriptions.



Commemorative Stones.

* When they arrived at Montreal, Mr. Johnson obtained a parole of two months, to return and solicit the means of redemption. He applied to the Assembly of New Hampshire, and, after some delay, obtained on the 19th of December, 1754, one hundred and fifty pounds sterling. But the season was so far advanced, and the winter proved so severe, that he did not reach Canada till the spring. He was then charged with breaking his parole; a great part of his money was taken from him by violence, and he was shut up with his family in prison. Here they took the small-pox, from which, after a severe illness, they happily recovered. At the expiration of eighteen months, Mrs. Johnson, with her sister and two daughters, were sent in a cartel ship to England, and thence returned to Boston. Mr. Johnson was kept in prison three years, and then with his son returned and met his wife in Boston, where he had the singular ill fortune to be suspected of designs unfriendly to his country, and was again imprisoned; but no evidence being produced against him, he was liberated. His eldest daughter was retained in a Canadian nunnery.—Belknap's Hist. N. H., ii. 289, 290. Heyt's Indian Wars, p. 262.

This is near the spot
 that the Indians Encamp^d the
 Night after they took M^r Johnson &
 Family M^r Laberee & Farnsworth
 August 30th 1754 And M^{rs}
 Johnson was deliver^d of her child
 Half a mile up this Brook.
 When troubl^s near the Lord is kind
 He hears the captives Crys
 He can subdue the savage mind
 And learn it sympathy
 On the 31st of
 August 1754
 Cap^t James
 Johnson had
 A Daughter born
 on this spot of
 Ground being
 Captivated with
 his whole Family
 by the Indians.

But the enemy did not confine their depredations to the frontiers alone. On the 28th of August, a party of about one hundred Indians, from the Nepisinquies, the Algonkins, and the "Abenaquies of Bekancour" made an attack on "Dutch Hoosac," about ten miles west of Fort Massachusetts. Their first appearance was at a mill which was attended by a few men. Of these, they killed Samuel Bowen, and wounded John Barnard. They then drove the rest of the inhabitants from their dwellings, killed most of the cattle, and set fire to the settlement. On the following day San Coick experienced a similar fate. The garrison at Fort Massachusetts was too weak to afford any important aid, and a party of militia from Albany, that had marched to the scene of destruction, did not arrive until the enemy had departed. The loss at Hoosac was stated at "seven dwelling houses, fourteen barns, and fourteen *bar-racks* of wheat." That at San Coick was about the same. The property destroyed was supposed to amount to "four thousand pounds, York currency."*

* Hoyt says: "The depredations were attributed principally to the Schaghticoke Indians."—Indian Wars, p. 263.

It is more than probable that the tribes mentioned in the text were the perpe-

To put a period, if possible, to these devastating incursions, more extensive means of defence were adopted by Massachusetts, and the charge of the western frontiers was again given to Col. Israel Williams of Hatfield. His knowledge as a topographer and engineer, enabled him, soon after, to present to Governor Shirley an accurate sketch of the frontiers of Massachusetts and New Hampshire, with plans for their defence. He recommended the abandonment of Forts Shirley and Pelham, and the erection of a line of smaller works on the north side of Deerfield river. He further proposed that the old works at Northfield, Bernardston, Colrain, Greenfield, and Deerfield should be repaired, and others built where repairs were impracticable; that Forts Dummer and Massachusetts should be strengthened and furnished with light artillery and sufficient garrisons; that fortifications should be erected at Stockbridge, Pontoosuck, and Blanford in the south-western part of Massachusetts, and two others to the westward of Fort Massachusetts, in order to form a cordon with the line of works in New York; that the fort at Charlestown, being out of the jurisdiction of Massachusetts, should be abandoned; that, as in the former wars, ranging parties should be constantly employed along the line of forts, and in the wilderness, now the state of Vermont, and that the routes and outroads from Crown Point should be diligently watched. These plans, with the exception of that recommending the abandonment of Charlestown, were adopted, and a body of troops was ordered to be raised for the western frontiers, to be stationed as Col. Williams should direct.

Forts Dummer and Massachusetts, works of considerable strength, and containing small garrisons, were furnished with a few pieces of ordnance. The other works being diminutive block-houses, or stockaded dwellings, bearing the names of their occupants, were made defensible against musketry. These were Sheldon's and Burk's garrisons at Bernardston, on Connecticut river; Morrison's and Lucas's, at Colrain; Taylor's, Rice's, and Hawks's, at Charlemont; Goodrich's and Williams's, at Pontoosuck; and defences at Williamstown, Sheffield, and Blanford. Some of them were provided with swivels and small forces under subaltern officers. In other places, less exposed, slighter fortifications were established, some at the expense of the

trators of the acts ascribed to them.—See documents in office Sec. State N. Y., in Colonial MSS. De Lancey, 1754, vol. lxxix.

inhabitants, and some at the expense of the province. Capt. Ephraim Williams was, as in the preceding war, appointed commander of the line of forts. His rank was raised to that of major. Deerfield was made the dépôt for the commissary stores, and a small force was stationed to protect them. The office of commissary was given to Major Elijah Williams. The fort at Charlestown, which had been built by Massachusetts, but which now lay within the boundaries of New Hampshire, required a protecting force. Governor Shirley wrote to Governor Wentworth recommending its future maintenance to the New Hampshire Assembly, and applications of a like nature were made by the inhabitants of Charlestown. The Assembly, as in former years, refused to listen to these requests. Petitions were then sent to the General Court of Massachusetts, and as a proof of the importance of the post at Charlestown, the petitioners stated that the attacks of the enemy had been sustained at that place, on ten different occasions, during the space of two years. Mention was also made of the sufferings which the inhabitants had endured by the loss of their cattle and provisions. Massachusetts again sent soldiers for the defence of the town, and a guard was continued there and at Fort Dummer until the year 1757. On the 19th of September the command of the latter station was given to Nathan Willard, with the rank of sergeant, and until June, 1755, the garrison numbered eight men. So effectually had these preparations been made, and so well were they perfected, that the incursions of the enemy ceased almost immediately. The settlers again enjoyed a temporary security, and at the close of the year it was deemed safe to lessen several of the garrisons at the smaller forts.”*

The inhabitants of Westminster who were few in number and but poorly protected, being alarmed by the capture of the Johnsons at Charlestown, had removed to Walpole immediately after that event. Here they were accommodated at the house of Col. Benjamin Bellows until October, when they returned to Westminster. There they tarried until the February following, when the Averill family moved to Putney, which town, on the 26th of December, 1753, had been granted and chartered by Benning Wentworth. Fort Hill, which had been erected before the Cape Breton war, had now gone to decay and was mostly demolished. The settlements in the immediate vicinity

* Hoyt's Indian Wars, pp. 263-265. Belknap's Hist. N. H., ii. 290, 291.

were in consequence undefended and insecure. For their mutual safety, the inhabitants of Westmoreland, New Hampshire, joined with the inhabitants of Westminster and Putney, and in the year 1755 built a fort on the Great Meadow, on the site of the house lately occupied by Col. Thomas White, near the landing of the ferry. The fort was in shape oblong, about one hundred and twenty by eighty feet, and was built with yellow pine timber hewed six inches thick and laid up about ten feet high. Fifteen dwellings were erected within it, the wall of the fort forming the back wall of the houses. These were covered with a single roof called a "salt-box" roof, which slanted upward to the top of the wall of the fort. In the centre of the enclosure was a hollow square on which all the houses fronted. A great gate opened on the south toward Connecticut river, and a smaller one toward the west. On the north-east and south-west corners of the fort, watch-towers were placed. In the summer season, besides its customary occupants, the fort was generally garrisoned by a force of ten or twelve men from New Hampshire.

The only inhabitants on the Great Meadow at the beginning of the year 1755, were Philip Alexander from Northfield, John Perry and John Averill with their wives and families, and Capt. Michael Gilson a bachelor, his mother and his two sisters. On the completion of the fort, several of the inhabitants of Westmoreland crossed the river and joined the garrison. These were Capt. Daniel How, Thomas Chamberlain, Isaac Chamberlain, Joshua Warner and son, Daniel Warner, wife and son, Harrison Wheeler, Deacon Samuel Minott, who afterward married Capt. Gilson's mother, and Mr. Aldrich and son.* At the close of the French war, all who had removed from Westmoreland, returned, with the exception of Deacon Minott. During the summer Dr. Lord and William Willard joined the garrison. Several children were born in the fort, but the first child born within the limits of the town of Putney is supposed to have been Aaron, son of Philip Alexander. His birth took place before the fort was built, and there is a tradition that Col. Josiah Willard, in commemoration of the event, presented to the boy a hundred acres of land, situated about half a mile east of Westmoreland bridge. The father

* The son was afterward General George Aldrich. He died at Westmoreland, N. H., in the year 1807.

of Capt. Daniel How and the father of Harrison Wheeler died in the fort. Both were buried in the graveyard in Westmoreland on the other side of the river. Religious services were for a long time observed among the occupants of the fort, and there the Rev. Andrew Gardner, who had previously been chaplain and surgeon at Fort Dummer, preached nearly three years. The Great Meadow, at this time, was not more than half cleared, and its noble forests of yellow pine, with here and there a white pine or a white oak, presented an appearance which is seldom to be met with at the present period, in any part of the state. Col. Josiah Willard, who owned the Meadow, gave the use of the land as a consideration for building the fort and defending it during the war. The land was portioned out to each family, and the inhabitants were accustomed to work on their farms in company that they might be better prepared to assist one another in the event of a surprise by the enemy. There was no open attack upon the fort during the French war, although the shouts of the Indians were often heard in its vicinity in the night season. On one occasion they laid an ambush at the north end of the Meadow. But the settlers who were at work on an adjacent island, were so fortunate as to discover the signs of their presence, and avoided them by passing down the river in a course different from that by which they had come.*

The expeditions which were planned by Gen. Braddock, in conjunction with the Colonial Governors, against Fort Du Quesne, Niagara, and Crown Point, at the beginning of this year, served to a certain extent to defend the frontiers from the incursions of the enemy. Major Ephraim Williams, who during the year 1754 had taken charge of the western line of forts in Massachusetts, was appointed to the command of a regiment in the latter expedition. Capt. Isaac Wyman succeeded him as commander of Fort Massachusetts. Simultaneous with these extensive operations, measures were taken by Massachusetts to render more effectual the defence of her borders. Garrisons were strengthened, new levies of soldiers made, the people in exposed towns were required to go armed when attending public worship, and it was made the duty of the militia officers to see that this order was observed.†

* MS. Historical Sermons, preached at Putney on Fast Day, 1825, by Rev. E. D. Andrews.

† "The monthly pay of the troops on the frontiers, established by the govern-

But the feature which characterized in a peculiar manner the warfare of this year, was the system introduced in the conduct and management of the partisan corps. The government of Massachusetts had offered a large bounty for every "Indian killed or captured," and to gain this reward, did these ranging parties engage in what were commonly known at the time as "scalping designs." Their field of operation extended from the Connecticut to the Hudson, and from the Massachusetts cordon to the borders of Black river, in Vermont. Each company consisted of not less than thirty men, and of none but such as were able-bodied and capable of the greatest endurance. Sometimes they marched in a body on one route, and again in two or three divisions on different routes, or as ordered by their officers. The commissioned officers kept a journal of each day's proceedings, which was returned at the close of the march, to the commander-in-chief of the forces, after having been sworn to before the Governor of Massachusetts, or one of his Majesty's justices of the peace. No bounty was given until the captured Indians, or the scalps of those killed, were delivered at Boston to persons appointed to receive them.

Compared with the life of the ranger, that of the frontier settler was merely the training school in hardship and endurance. In the ranging corps were perfected lessons, the rudiments of which are at the present day but seldom taught; and the partisan soldier of the last century, though unskilled in the science of warfare, was an equal match for the resolute Indian, whose birthright was an habituation to daring deeds and wasting fatigue. The duties of the rangers were "to scour the woods, and ascertain the force and position of the enemy; to discover and prevent the effect of his ambuscades, and to ambush him in turn; to acquire information of his movements by making prisoners of his sentinels; and to clear the way for the advance of the regular troops." In marching, flankers preceded the main body, and their system of tactics was embodied in the quickness with which, at a given signal, they could form in file,

ment of Massachusetts, June 11th, 1755, was as follows. Marching forces: Captain, £4 16s.; Lieutenant, £3 4s.; Sergeant, £1 14s.; Corporal or Private, £1 6s. 8d. Garrison forces: Captain, £4; Lieutenant, £3; Sergeant, £1 10s.; Corporal £1 8s.; Drummer, £1 8s.; Centinel, £1 4s.; Armourer at the westward, £3."—Hoyt's Indian Wars, p. 267.

In addition to the regularly established garrisons, guards were stationed at Greenfield, Charlemont, Southampton, Huntstown, Colrain, and Falltown, to protect the inhabitants while gathering their crops.

either single or otherwise, as occasion demanded. In fighting, if the enemy was Indian, they adopted his mode of warfare, and were not inferior to him in artifice or finesse. To the use of all such weapons as were likely to be employed against them they were well accustomed, and their antagonist, whoever he might be, was sure to find in them warriors whom he might hate, but could not despise. As marksmen none surpassed them. With a sensitiveness to sound, approximating to that of instinct, they could detect the sly approach of the foe, or could mark with an accuracy almost beyond belief, the place of his concealment. Their route was for the most part through a country thickly wooded, now over jagged hills and steep mountains, and anon, across foaming rivers or gravelly-bedded brooks.

When an Indian track was discovered, a favorable point was chosen in its course, and there was formed an ambuscade, where the partisans would lie in wait day after day for the approach of the enemy. Nor were mountains, rivers, and foes, the only obstacles with which they were forced to contend. Loaded with provisions for a month's march, carrying a musket heavier by far than that of a more modern make, with ammunition and appurtenances correspondent; thus equipped, with the burden of a porter, did they do the duty of a soldier. At night, the place of their encampment was always chosen with the utmost circumspection, and guards were ever on the alert to prevent a surprise. Were it summer, the ground sufficed for a bed, the clear sky or the outspreading branches of some giant oak for a canopy. Were it winter, at the close of a weary march, performed on snow-shoes, a few gathered twigs pointed the couch made hard by necessity, and a rude hut served as a miserable shelter from the inclemency of the weather. Were the night very dark and cold, and no fear of discovery entertained, gathered around the blazing brush heap, they enjoyed a kind of satisfaction in watching the towering of its bright, forked flame, relieved by the dark background of the black forest; or encircling it in slumber, dreamed that their heads were in Greenland, and their feet in Vesuvius. If a comrade were sick, the canteen, or what herbs the forest afforded, were usually the only medicines obtainable; and were he unable to proceed, a journey on a litter to the place whence his company started, or to the point of their destination, with the exposure consequent thereupon, was not always a certain warrant of recovery, or the most gentle method of alleviating pain.

But the great object was unattained, so long as they did not

return with a string of scalps, or a retinue of captives. When success attended their efforts, the officers and soldiers shared alike in the bounty paid, and strove to obtain equal proportions of the praise and glory. The partisans of the valley of the Connecticut were mostly from Massachusetts, Connecticut, and New Hampshire. Some of them had borne for many years the barbarities of the Indian, and were determined to hunt him like a beast, in his own native woods. Not a few had seen father and mother tomahawked and scalped before their very eyes; and some, after spending their youth as captives in the wigwam, had returned, bringing with them a knowledge of the Indian modes of warfare, and a burning desire to exert that knowledge for the destruction of their teachers. To men in this situation, a bounty, such as was offered by the government of Massachusetts, was sufficient to change thought into action, and it did not require the eye of a prophet to foresee the result. Great were the dangers they encountered, arduous the labor they performed, pre-eminent the services they rendered, and yet the partisan soldier has seldom been mentioned but with stigma, and his occupation rarely named but with abuse. This may be due, in some part, to the deviation from the usages of civilized warfare, which was sanctioned by the use of the scalping knife. Still the impartial reader should bear in mind the circumstances and the times which are under review. He should remember the barbarity of the enemy, the principles of natural justice, or the law of retaliation, the emergencies which were constantly arising, and the necessity which compelled the partisan to fight the Indian on his own terms. Let these considerations be indulged, and the rendering of a juster verdict in future, will show that discrimination has been allowed to take the place too long held by prejudice and scorn.*

Although the greatest precautions had been taken to render the frontiers secure against the enemy, yet the year 1755 bore on its record as large a share of disasters as any which had preceded it. Early in June, a party of Indians attacked a number of persons, who were at work in a meadow in the upper part of Charlemont, Massachusetts, near Rice's fort. Capt. Rice and Phineas Arms were killed, and Titus King and Asa Rice, a lad, were captured, and taken to Canada, by the way of Crown

* *Reminiscences of the French War*, Concord, 1831; pp. 4, 5. "Rules for the Ranging Service," in the *Journals of Major Robert Rogers*, London, 1765; pp. 60-70. *Hoyt's Indian Wars*, pp. 266-268.

Point. King was afterward carried to France, thence to England, whence he at length returned to Northampton, his native place. An account of some of the depredations which were made at this period in New Hampshire, is given by Hoyt, in the following paragraph: "In the month of June, a man and boy were captured at New Hopkinton, but immediately after retaken by a scouting party. The same month an attack was made on a fort at Keene, commanded by Capt. Sims; but the enemy, after some vigorous fighting, were driven off. On their retreat they killed many cattle, burned several houses, and captured Benjamin Twichel. At Walpole they killed Daniel Twichel, and another man, by the name of Flynt." On the 17th of August, at noon, the Indians in large numbers attempted to waylay Col. Benjamin Bellows of Walpole, and a party of thirty men, while returning from their labor. Failing in this undertaking, they attacked the fort of John Kilburn, "situated near Cold river, about two miles from the present centre of the town of Walpole, on the road to Bellows Falls, the exact spot being said to be just where two apple trees, very visible on the east of the way-side, now bear the fruits of peace." It was bravely defended by the owner and his son, John Peak and his son, and several women, who finally compelled the enemy to retire with considerable loss. Peak was mortally wounded in the assault.*

On the 27th of June,† the most disastrous affair that occurred during the season on Connecticut river, took place at Bridgman's Fort, on Vernon meadow, a short distance below Fort Dummer. On the spot where the original fort stood, which was burned by the Indians in 1747, another of the same name had been erected soon after, and being strongly picketed, was considered as secure as any garrison in the vicinity. It was situated on low ground, near elevated land, from which an easy view of its construction and arrangements might be had. From the manner in which the attack was planned, and from the strategy therein displayed, it is supposed that the Indians, availing themselves of the opportunity afforded by the high ground, had previously viewed the place, and by listening at the gate, had discovered the signal by which admittance was gained to

* Hoyt's Indian Wars, pp. 266-269. A full account of this fight is given in Appendix E.

† Some writers have named July 27th, as the day on which this event occurred. Contemporaneous MSS. corroborate the date given in the text.

the fort. On the morning of the day in which the attack was made. Caleb How, Hilkiah Grout, Benjamin Gaffield, and two lads, the sons of How, left the fort and went to work in a corn-field, lying near the bank of the river. Returning a little before sunset, they were fired upon by a party of about a dozen Indians, from an ambush near the path. How, who was on horseback with his two sons, received a shot in the thigh, which brought him to the ground. The Indians, on seeing him fall, rushed up, and after piercing him with their spears, scalped him, and leaving him for dead, took his two sons prisoners. Gaffield was drowned in attempting to cross the river, but Grout fortunately escaped.

The families of the sufferers who were in the fort, had heard the firing but were ignorant of its cause. Anxiously awaiting the return of their companions, they heard in the dusk of evening a rapping at the gate, and the tread of feet without. Supposing by the signal which was given that they were to receive friends, they too hastily opened the gate, and to their surprise and anguish, admitted enemies. The three families, consisting of Mrs. Jemima How and her children, Mary and Submit Phips, William, Moses, Squire and Caleb How, and a babe six months old; Mrs. Submit Grout and her children, Hilkiah, Asa, and Martha, and Mrs. Gaffield with her daughter Eunice, fourteen in all, were made prisoners. After plundering and firing the place, the Indians proceeded about a mile and a half and encamped for the night in the woods. The next day they set out with their prisoners for Crown Point, and after nine days' travel reached Lake Champlain. Here the Indians took their canoes, and soon after, the whole party arrived at the place of destination. After remaining at Crown Point about a week, they proceeded down the lake to St. Johns, and ended their march at St. Francis on the river St. Lawrence. Mrs. How, after a series of adventures, was finally redeemed with three of her children, through the intervention of Col. Peter Schuyler, Major, afterwards Gen. Israel Putnam and other gentlemen, who had become interested for her welfare on account of the peculiarity of her sufferings and the patience with which she had borne them. Of the other children, the youngest died, another was given to Governor de Vaudreuil of Canada, and the two remaining ones, who were daughters, were placed in a convent in that province. One of these was afterwards carried to France, where she married a Frenchman named Cron Lewis, and the other was subsequently redeemed

by Mrs. How, who made a journey to Canada for the express purpose of procuring her release. Mrs. How afterwards became the wife of Amos Tute, who was for several years one of the coroners of Cumberland county. She was buried in Vernon, and her tombstone epitomizes her varied life and exploits, in these words.

Mrs. Jemima Tute

Successively Relict of Messrs
William Phipps, Caleb Howe & Amos Tute
The two first were killed by the Indians
Phipps July 5th 1743
Howe June 29th 1755
When Howe was killed, she & her Children
Then seven in number
Were carried into Captivity
The oldest a Daughter went to France
And was married to a French Gentle-
man
The youngest was torn from her
Breast
And perished with Hunger
By the aid of some benevolent Gent^l
And her own personal Heroism
She recovered the rest
She had two by her last Husband
Outlived both him & them
And died March 7th 1805 aged 82
Having passed thro more vicissitudes
And endured more hardships
Than any of her cotemporaries

No more can Savage Foes annoy
Nor sought her wide spread Fame Destroy*



The grave of Mrs. Jemima Tute.

On the morning after the attack on Bridgman's Fort, a party of men found Caleb How still alive, but mortally wounded. He was conveyed to Hinsdale's Fort, on the opposite side of

* A more detailed account of the adventures and sufferings of Mrs. Howe, who has been called the "Fair Captive," may be found in Belknap's Hist. N. H. III, 370-388, and in the "Life of General Putnam" in Humphrey's Works, pp. 276-278.

the river, where he soon after expired. He was buried about half a mile from the fort, in the middle of a large field, and a stone erected to his memory is still standing, inscribed with this record :—

In Memory of M^r
Caleb How a very
Kind Companion who
Was Killed by the Indes
on June the 27th
1755. in the 32 year
Of his age. his Wife M^{rs}
Jemima How With 7
Children taken Captive
at the Same time.



The Grave of Caleb How.

At the close of three years' captivity, Mrs. Gaffield was ransomed and went to England. The fate of her daughter, Eunice, is uncertain. On the 9th of October, 1758, a petition, signed Zadok Hawks, was presented to the General Court of Massachusetts, praying them to use their influence to obtain the release of Mrs. Grout, the petitioner's sister. At that time, she and her daughter were residing with the French near Montreal, and her two sons were with the Indians at St. Francis. It is probable that their release was not long delayed, as one of the sons a few years later was a resident of Cumberland county.

But this was not the last of the incursions of the enemy. On the 23d of July, at about nine o'clock in the morning, a party of Indians attacked four of the soldiers of Hinsdale's Fort, and three of the settlers residing there, as they were cutting poles for the purpose of picketing the garrison. At the time of the attack they were not more than a hundred rods distant from the fort. Four men were on guard, and three were on the team. They had drawn only one stick when the enemy fired upon them, and having got between them and the fort endeavored to keep them from reaching it. Of the soldiers, John Hardiclay* was killed and scalped on the spot. His body was terribly mangled, both breasts being cut off and the heart laid open. Jonathan Colby was captured, and the two others, Heath

* In the letter of Col. Ebenezer Hinsdell, this name is written *Hardway*.—N. H. Hist. Coll., v. 254.

and Quimby, escaped to the fort. Of the settlers, John Alexander was killed and scalped, and Amasa Wright and his surviving companion, whose name is not recorded, saved themselves by flight. An alarm was immediately sounded, and the "Great Gun" at Fort Dummer, on the opposite side of the river, was fired. Thirty men from Northfield answered the summons, but their assistance availed only in burying the dead, for the enemy had gone too far to warrant a pursuit. A week previous to this occurrence the Indians burned an outhouse with its contents, situated about six miles above West river, and during the whole summer hostile bands scattered in every direction among the settlements, were watching for opportunities to plunder and destroy. Information of these transactions was sent to Governor Wentworth by Col. Ebenezer Hinsdell, and the closing words of his letter, "we are loath to tarry here merely to be killed," convey in strong terms, a knowledge of the danger which encircled the settlers, and of the incompetency of their forces to afford protection.

Although the governor was willing and anxious to furnish the requisite aid, the New Hampshire Assembly were unwilling to render the least. Application was then made to the Massachusetts Legislature, and Nathan Willard, the commander at Fort Dummer, in a memorial presented in the month of August, described the situation of that post. He stated that the enemy were continually lurking in the woods around and near the fort; that during the past summer nineteen persons, living within two miles of it, had been "killed or captivated;" that it was impossible to succor them by reason of the insufficiency of the garrison, which numbered only five men on pay, and that in case of an attack there was no reason why the enemy should not be perfectly successful. In view of these representations, the Legislature directed Capt. Willard to add six men to his present force, to serve until the first of October following. Similar assistance was granted to other garrisons on the frontiers.

The expedition against Crown Point, which had been planned during the spring and summer, was consummated in the fall of this year. The unwearied efforts of General, afterwards Sir William Johnson, to whom the command had been given, though attended with success, were not rewarded with the conquest of the desired station; and the victory of the 8th of September, which defeated the Baron Dieskau and his French and Indian forces, though it served to cheer the spirits of the Eng-

lish in America, was purchased by the loss of some of the best men in the colonies. Of this number was Col. Ephraim Williams, who was shot through the head as he was leading on his regiment in the conflict. His death was universally regretted by his countrymen. His exertions, during a service of many years on the frontier, had won him the esteem and admiration which is due to virtue and valor; and the endowment which he made by his will for establishing the college which bears his name, has kept his memory green in the hearts of succeeding generations, and added to his renown as a warrior the praises of scholars and philanthropists.*

As has been previously stated, Fort Dummer, although situated without the borders of Massachusetts, had been long supported by that province. The Board of Trade had, on the 3d of August, 1749, declared it proper and just, that New Hampshire should reimburse Massachusetts for its maintenance; yet no attention had been given to this advice, and Massachusetts had continued as before to support a garrison at that station. In order to obtain payment for their services, the Council of Massachusetts, "in confidence of his Majesty's goodness and justice," appointed a committee on the 29th of May, 1752, consisting of Samuel Watts, John Wheelwright, and Thomas Hutchinson, who, with a committee from the House, were ordered to take such steps as they should deem necessary to accomplish this object. On the 4th of June, a few days after these appointments were made, the Council, by the advice of their committee, directed Josiah Willard, the Secretary of the province, to write to Mr. Bollan, the agent for Massachusetts in England, in order to learn what course should be pursued with the Board of Trade. Letters were sent on the 25th, but no answer being received, the Secretary, on the 27th of December, 1753, again wrote for instructions. In the latter communication, he stated that Massachusetts had defended the lands west of Connecticut river, for one hundred years past, at an expense probably of £100,000 sterling; that at one of the best forts in the government, standing about twenty-five miles east of Hudson river,† she had kept a garrison of forty men during the war, and had retained men in pay ever since the peace; that she had been long expecting a reimbursement of the charge for supporting Fort Dummer, and defending the other parts of the

* Hoyt's Indian Wars, pp. 271-282.

† Fort Massachusetts.

frontier of "what is now called New Hampshire;" and that the order of his Majesty in Council in 1744 was conditional, either that Massachusetts should be reimbursed her charges, or that the fort with a proper district of land contiguous should be assigned her. Referring more particularly to that order, the Secretary remarked in conclusion, that the Fort and a few miles of country around it, so far from being an adequate compensation for the expense the province had incurred, were so much the contrary, that she would rather esteem them a burden, as thereby she would not only lose all the past expenses, but be subjected also to a constant future charge. On the 12th of August, 1755, the subject was again discussed before the Council of Massachusetts, and Thomas Hutchinson and William Brattle, with such persons as the House might add, were chosen "to prepare the draft of a memorial and petition to his Majesty, therein giving a full representation" of the affair, and praying for a speedy reimbursement of the charges which had been paid by the province. Thus did Massachusetts from year to year repeat her attempts to obtain what was due her for her services and expenditures. But her efforts were foiled by the vigilance of the New Hampshire agents, and her object rendered more and more unattainable by delay.*

* Various MSS. Mass. Council Records, xxi. 816.

CHAPTER IV.

THE FRENCH WAR. TOWN SETTLEMENTS.

Command of Fort Dummer given to Nathan Willard—Complaint against him—Indians in ambush—Attempt to construct a Military road from Charlestown to Crown Point—Rangers at Hinsdale's Fort—Capt. Burk—Incursion at Charlestown—Capture of Mrs. Moore of Brattleborough—Robert Rogers, the distinguished Ranger—Events at the close of the French war—Destruction of St. Francis—Sufferings of Rogers's party on their return—Land route from Connecticut River to Lake Champlain—Conquest of Canada by the English—Peace restored—Grants by Governor Benning Wentworth—Westminster charter renewed—Settlement of Towns on Connecticut River—Putney—Halifax—Marlborough—Wilmington—New Fane—Rockingham—Townshend—Hinsdale.

ALTHOUGH hostilities had been continued in the provinces during the year 1755, war was not formally declared between England and France until the beginning of the year 1756. Several expeditions were partially planned, yet little was done during the campaign in the way of regular warfare. Means were taken as in former years to defend the settlements along the Connecticut. Small forces were posted by Massachusetts at Charlestown and on Ashuelot river in New Hampshire, also at Northfield, Greenfield, Deerfield, Fort Massachusetts, and at the stations in the Massachusetts cordon. The garrison at Fort Dummer having become reduced to three men, Capt. Nathan Willard, who was stationed at that post, made known his condition to the Massachusetts Legislature, and asked for aid. By a vote of the House, passed April 8th, nine men were placed under his command, and an allowance was made for their support from the funds of the province. Besides the garrison, the fort was at that time inhabited by several families. No sooner had Willard obtained an increase of his force, than he commenced a pitiful persecution against these families whom he had been appointed to protect. They, unwilling to increase the disturbance by resistance, endured his conduct in silence for a

reasonable time, but finding that he was not inclined to change his treatment towards them, except for the worse, they, on the 17th of May, memorialized the General Court of Massachusetts, in these words:—

“The command being given to Nathan Willard—we will a little acquaint your honours of the managements and carryings on in said fort, and that in several articles, and,

“First; as to all the Willards’ swearing against the province in favour of New Hampshire.

“Secondly; as to their selling the province stores, both of powder and lead to Hampshire forts, as also to Hampshire soldiers.

“Thirdly; as to the province guns lying about in y^e said fort, the locks in one place and the barrels in another, and two or three of them that are half eat up with rust.

“And as your honours have been pleased to allow nine men to that fort until y^e 10th day of next June, under the command of Captain Nathan Willard, he has put in Oliver Willard, Wilder Willard, William Willard, and as there are four large Province Houses in y^e fort, these four Willards have each of them an house.

“And as Capt. Nathan Willard has a large province house to himself, and has turned all the rest of the families into two small rooms, in which families are five soldiers;—for by repairing the province houses a little, makes them their own.

“And as there are four acres of land allowed in y^e Hampshire charter for the benefit of y^e said fort, they keep all the land to themselves, and will allow but a small garden spot to the rest of the soldiers,—as their treatment is so hard of y^e soldiers, and y^e distressed inhabitants who are obliged to flee thither for shelter in these distressing times, with us, we have thought fit to make y^e above representation of facts, which we are ready to prove true.

“Our distresses are great for which we begg your honours compassionate consideration, and relief, and as in duty bound shall ever pray.”*

There is no doubt that this petition was answered to the satisfaction of those who presented it, for Massachusetts was ever

* This memorial was signed by Capt. Fairbank Moore, Benjamin Moore, Fairbank Moore Jun., Robert Cooper, Anson Cooper, John Kathan, John Kathan Jun., Daniel Shattuck, Daniel Shattuck Jun., Joshua Cooper, Gideon Shattuck MSS. in office Sec. State, Mass., lxxv. 547

generous in defending not only her own frontiers, but those of other provinces ; and at this period especially, the fear of external foes admitted not the toleration of any internal enmities or jealousies.

The necessity of preparation was soon after made evident by the commencement of the annual incursions of the Indians. In June they took Josiah Foster with his wife and two children from Winchester, New Hampshire, and not many days after, Lieut. Moses Willard was killed, and his son wounded near the fort of Charlestown. During the summer several acts of hostility were committed in the neighborhood of Fort Massachusetts, and in the majority of cases, the plans of the Indians were attended with success. At a place called the Country farms in the north part of Greenfield, they attacked a party of five men on the 12th of August, while at labor. Of these only one escaped, two of the others being killed, and two captured.* On the 20th of the same month, as Zebulon Stebbins of Hinsdale, and Reuben Wright were returning from Northfield on horseback, they discovered a party of Indians in ambush, who fired on them, and wounded Wright. The two men then retreated some distance, but the Indians still pressing on, Stebbins turned upon them, received their fire, and returning it wounded one of them. This checked their pursuit, and enabled both Wright and Stebbins to make their escape. A good result was effected by this event, as it placed the people in the vicinity on their guard, and prevented the capture of several persons for whom the Indians were lying in wait. Many depredations were committed in the frontier towns before the close of the season, and the inhabitants of those places most exposed, were kept in a state of continual alarm by the reports of Indian vindictiveness and cruelty, which were constantly saluting their ears, and which in some instances were corroborated by the scenes they had witnessed.

Early in the spring of this year, the government of Massachusetts had been engaged in discussing the feasibility of constructing a road between a point on the right bank of Connecticut river, opposite Charlestown, and a point on the right bank of Lake Champlain opposite Crown Point, for the purpose of facilitating military operations in that quarter. As the result

* A detailed account of this event and of others similar is given in Hoyt's *Indian Wars*, pp. 284, 285.

of these deliberations, the following vote was passed in the House of Representatives on the 10th of March, and met with the approbation of the Governor and Council. "Whereas it is of great importance that a thorough knowledge be had of the distance and practicability of a communication between Number Four on Connecticut river and Crown Point; and that the course down Otter creek to Lake Champlain should be known—therefore voted, that his Excellency the Governor be, and he is hereby desired as soon as may be, to appoint fourteen men upon this service, seven of them to go from said Number Four, the directest course to Crown Point, to measure the distance, and gain what knowledge they can of the country; and the other seven to go from said Number Four, to Otter creek aforesaid, and down said creek to Lake Champlain, observing the true course of said creek, its depth of water, what falls there are in it, and also the nature of the soil on each side thereof, and what growth of woods is near it. Each party of said men to keep a journal of their proceedings and observations, and lay the same, on their return, before this Court. They to observe all such directions as they may receive from his Excellency. One man in each party to be a skillful surveyor, and the persons employed, shall have a reasonable allowance made them by the Court for their services."

A plan was also proposed during the summer for building a strong fort on the high lands, between the sources of Black river and Otter creek. A military post at that place was deemed important, as it would afford an opportunity of hindering the enemy in their advances from Lake Champlain, facilitate operations against them at Ticonderoga and Crown Point, and afford a convenient station for scouting parties from Connecticut river.

The route which had engaged the attention of the government of Massachusetts, had not escaped the notice of Lord Loudon, the commander-in-chief of the English forces, who also desired that it might be carefully surveyed and marked, and the result reported to him. Col. Israel Williams, upon this request, drew up a topographical sketch and description of the country, compiled from the journals and notations of officers who had traversed it at the head of scouting parties. This survey he communicated to his lordship. In order to carry out the provisions of the General Court, Williams was further directed to make a more accurate examination of the country

with the assistance previously voted, and to give such additional information as might seem to him necessary. Owing to the number and hostility of the Indians in that region, the attempt proved too hazardous for accomplishment. Surveys were, however, made as far as the height of land, but the construction of the road, and the design of building a fort at a point so remote and so little known, was abandoned.*

Massachusetts had learned that her best policy was to raise the usual forces at the commencement of the year, without waiting the requests of defenceless towns and almost abandoned garrisons. Such was the course she pursued in the year 1757. In addition to the garrison troops, "one hundred men were employed on the eastern frontier, and forty-five under a captain and lieutenant, on the west side of Connecticut river, to range the woods north of Falltown." The latter company—known as Rangers—under the command of Capt. John Burk,† were stationed at Hinsdale's fort, on the east bank of the Connecticut. During the month of March they made frequent marches through the neighboring country for the purpose of discovering concealed Indians. Their course was sometimes along the main stream of West river, and again by its south or west branches. Not unfrequently they ascended to the top of West river mountain, there to watch for the smoke of the enemy's camp fires. Orders were given to the Commissary General to provide these scouting parties with snow-shoes and moccasins, the better to enable them to perform their toilsome labor.

The most important incursion of the enemy on the western frontier during the year, was made at Charlestown in the spring. A body of French and Indians attacked the mills in that place, and captured Samson Colefax, David Farnsworth, and Thomas Adams. The alarm having been given by the firing, the inhabitants repaired to the mills, but finding the enemy too numerous for them, retreated without venturing a blow. The

* Hoyt's Indian Wars, pp. 286, 287. Mass. Court Records.

† Captain Burk was present at the siege of Fort William Henry in August, 1757, and belonged to the Massachusetts regiment, commanded by Col. Frye. After the capitulation, "he was seized, and after a violent struggle, was stripped of the whole of his clothes, and afterwards escaped into the woods. Straying in various directions, he was overtaken by darkness in the margin of a morass, and, unable to direct his course, lay down in the thick grass and passed the night, covered only by the damp vapor of the swamp. The next day he renewed his march, and fortunately arrived safely at Fort Edward."—Hoyt's Indian Wars, p. 292.

enemy then burned the mills and departed, taking with them, in addition to the other prisoners, Thomas Robbins and Asa Spafford, whom they met returning from hunting. Farnsworth and Robbins, after being in Canada some time, returned; the others died there. About the same period, a man was wounded near Rice's Fort, in Charlemont. With these exceptions, the frontiers remained in comparative quiet. But the English were, nevertheless, suffering in another quarter, for the surrendry of Fort William Henry to the French—that deadly and decisive blow of the campaign—afforded them a melancholy subject of contemplation. For many years, scarcely able to maintain what was deemed justly their own, they, by this event, lost one of their most important posts, and the flower of their soldiery.*

At the beginning of the year 1758, the British government, in order to repair the disasters of the preceding campaign, determined to employ a formidable force against the French, both by sea and land. The provinces of Massachusetts, Connecticut, and New Hampshire, voted levies to the number of fifteen thousand men; and this army, increased by a fleet and a large land force from England, aroused the spirits of the colonists, by the confidence which power and skill inspire, and awakened within their breasts the expectation of success. For the defence of her own frontiers, Massachusetts made the usual provision, while New Hampshire, changing the method upon which she had so long acted, voted men and supplies for the protection of the forts within her own boundaries, which had before been maintained by the magnanimity of the Bay Province. The incursions on the frontiers were not so frequent this year as on former occasions, but commenced early in the season. At midnight, on the 6th of March, a party of Indians attacked the house of Capt. Fairbank Moore, situated on West river, in the township of Brattleborough. Having surrounded the building, they burst in the door, and killed and scalped Capt. Moore and his son, but not until one of their number had been slain, and several wounded. Mrs. Moore, the wife of the son, and the mother of four children, the youngest of whom was but three or four weeks old, aroused by the yells of the savages, and scarcely knowing what she did, sprang from the bed, and

* Accounts of the capture of Fort William Henry by the French, are given in Hutchinson's *Hist. Mass. Bay*, i. 315; Williams's *Hist. Vt.*, i. 376-401; *Life of Putnam* in Humphrey's *Works*, pp. 259-266; Carver's *Travels*, pp. 181-186; Hoyt's *Indian Wars*, pp. 288-295; Belknap's *Hist. N. H.*, ii. 298-300.

hastily drew on three pairs of Capt. Moore's long stockings, which in the event were the means of preserving her life. Snatching up the baby, and the child next in age, she endeavored to escape, she knew not whither, by taking a sled-path in which her husband had been drawing wood the day before. She had gone but a short distance, when the Indians overtook her and brought her back. They then searched for portable provisions, and having found a quantity of beans, mixed them with about twenty pounds of tallow, and boiled them in it. This compound being cooled, was put in sacks, and served them for food on the road. Mrs. Moore was then provided with snow-shoes, her babe was committed to her own care, the house was burned, and the party set out on their long march, the children being led or carried by the Indians. They reached Fort Ticonderoga in safety, on the tenth day after their departure, having crossed the Green Mountains in the most inclement season of the year. Thence Mrs. Moore and her children were taken to Montreal, where they remained in captivity until the year 1762, when they were all redeemed, and returned to their friends.*

On the 20th of the same month, the enemy appeared at Colrain, wounded John Morrison and John Henry, burned a barn, and killed several cattle. In the following September, Major Bellows discovered a party of Indians numbering about two hundred crossing Connecticut river above Brattleborough, and advancing towards Ashuelot. No incursions were made at this time in the immediate vicinity; but soon after Asahel Stebbins was killed at Charlestown, his wife and Isaac Parker, a soldier, taken captive, and a number of cattle feeding in the adjacent woods, slaughtered.

* Hoyt notices this transaction as having occurred in the month of September; another account says February. Hoyt locates Mr. Moore's residence in Hinsdale; another account near Fort Dummer. The relation given in the text is, however, believed to be correct. The farm on which Mr. Moore lived, is now occupied by Newman Allen, Esq. To an account of this transaction, which appeared in the columns of the *Vermont Phoenix* in the year 1849, is appended the following note: "Mr. Moore and his son, alluded to above as having fallen victims to the Indians, are supposed to have been buried near the side of their log-house which was burnt. On Monday last, bones believed to have been theirs were found in Mr. Allen's barn-yard, covered with about one foot of earth and a board over, but apparently with no coffin or box around them. One of the skulls contained an ounce bullet, which was undoubtedly the cause of death."

Mrs. Moore was a daughter of Capt. John Kathan of Putney

Consult Belknap's Hist. N. H., ii. 302. Hoyt's Indian Wars, p. 296.

In regard to the operations of the English on Lake Champlain, great had been the anticipations of success at the opening of this campaign. The result, however, not only fell far short of what had been deemed as almost certain, but for a time brought disgrace and ridicule on the soldiers and generals of the Crown. Abercrombie was defeated at Ticonderoga by a force far his inferior, and it was only the opportune victories of Amherst at Louisburg, Bradstreet at Fort Frontenac, and Forbes at Fort du Quesne on the Ohio, which availed to restore in the provinces that confidence, which, in the spring, had looked forward to the defeat of the French, as an event hardly admitting of a doubt.

On their own frontiers, the governments of Massachusetts and New Hampshire still retained in their employ the scouting parties which had so long been the defence of those provinces. Although the ranging service brought not the honor acquired in a regular or provincial corps, yet it was in this service that Robert Rogers, the most celebrated of rangers, learned the details and minutiae of Indian warfare which enabled him to conduct the expedition against the village of St. Francis, in the following year, with the most triumphant success; it was in this service that the mind of John Stark received its lessons of brave soldiery and heroic daring, and his arm gained that strength which, during the Revolution, was so manfully exerted in defence of the liberties of his country on the field of Bennington.

Although it was confidently hoped, at the beginning of the year 1759, that the western frontiers would be relieved from the depredations of the Indians by the prowess of the English, the theatre of whose exploits was to be in Canada and along the borders of Lake Champlain, still Massachusetts, early in the year, voted supplies for the defence of her settlements. Her ranging parties, and those of New Hampshire, were soon climbing the mountain, fording the stream, and threading the valley, in search, not of deer or wild fowl, but of the human denizens of the forest. On the 21st of March, the Indians appeared at Colrain, and captured John McCoun and his wife. The latter was sacrificed to the cruelty of her captors on the second day's march. A party of militia, led by Major Hawley of Northampton, started in pursuit, but the enemy were soon at a safe distance, and the troops proceeded no further than Greenfield.

An attempt was soon after made to centralize the regular forces. A company of one hundred regulars, that had been stationed at Charlestown during the preceding winter, were re-

moved thence to the army assembled on the Hudson ; but their places were, on the 4th of May, filled by the same number of provincials taken from the regiment of Col. Israel Williams, in the county of Hampshire.

The evacuation of Ticonderoga and Crown Point by the French, which relieved the western frontiers of Massachusetts and New Hampshire from the depredations of the Indians to which they had been for years exposed, spread joy throughout the provinces ; and the destruction by Major Rogers, on the 5th of October, of the village of St. Francis, situated at the head of the river of the same name, completed what had long been the ardent wish of the English, and to the accomplishment of which their efforts had been earnestly directed. To these victories, the surrendry of Quebec and Niagara added, made this the most glorious campaign ever conducted by the English on the shores of America.

After the destruction of the village of St. Francis,* Rogers, to avoid his pursuers, determined to return to Crown Point by the way of Number Four or Charlestown. Having reached Lake Memphramagog, and provisions becoming scarce, he divided his detachment into small companies ; and having ordered them all to assemble at the mouth of the Upper Ammonoosuck river, where he expected to find food, sent them on their march. After a journey of several days, he and his party reached the point of meeting which had been agreed on. "It is hardly possible," wrote he to Gen. Jeffrey Amherst, "to describe the grief and consternation of those of us who came to Cohasse Intervales. Upon our arrival there, after so many days' tedious march over steep rocky mountains, or through wet, dirty swamps, with the terrible attendants of fatigue and hunger, we found that here was no relief for us, where we had encouraged ourselves that we should find it, and have our distresses alleviated. Notwithstanding, the officer I dispatched to the General, discharged his trust with great expedition, and in nine days arrived at Crown Point, which was an hundred miles through the woods ; and the General, without delay, sent Lieut. Stephens to Number Four with orders to take provisions up the river to the place I had appointed, and there wait as long as there was any hopes of my returning, yet, the officer that was sent being an indolent fellow, tarried at the place but two days when he re-

* An account of this event may be found in Hoyt's Indian Wars, pp. 302-306. Belknap's Hist. N. H., ii. 302-305. Williams's Hist. Vt., i. 428-433.

turned, taking all the provisions back with him about two hours before our arrival. Finding a fresh fire burning in his camp, I fired guns to bring him back, which guns he heard, but would not return, supposing we were an enemy.

“Our distress upon this occasion was truly inexpressible. Our spirits, greatly depressed by the hunger and fatigues we had already suffered, now almost entirely sunk within us, seeing no resource left, nor any reasonable ground to hope that we should escape a most miserable death by famine. At length I came to a resolution to push as fast as possible towards Number Four, leaving the remains of my party, now unable to march further, to get such wretched subsistence as the barren wilderness could afford,* till I could get relief to them, which I engaged to do within ten days. I, with Capt. Ogden, one Ranger, and a captive Indian boy, embarked upon a raft we had made of dry pine trees. The current carried us down the stream in the middle of the river, where we endeavoured to keep our wretched vessel, by such paddles as we had made out of small trees, or spires split and hewed. The second day we reached White River Falls, and very narrowly escaped being carried over them by the current. Our little remains of strength, however, enabled us to land, and to march by them. At the bottom of these falls, while Capt. Ogden and the Ranger hunted for red squirrels for a refreshment, who had the good fortune, likewise, to kill a partridge, I attempted the forming of a new raft for our further conveyance. Being unable to cut down trees, I burnt them down, and then burnt them off at proper lengths. This was our third day's work after leaving our companions. The next day we got our materials together, and completed our raft, and floated with the stream again till we came to Wattockquitchey† Falls, which are about fifty yards in length. Here we landed, and by a weath‡ made of hazel bushes, Capt. Ogden held the raft till I went to the bottom, prepared to swim and board it when it came down, and, if possible, paddle it ashore, this being our only resource for life, as we were not able to make a third raft in case we had lost this. I had the good fortune to succeed, and the next morning we embarked, and floated down the stream to within a small distance of Number Four, where we found some men cutting

* Note by Major Rogers: “This was ground nuts and lily roots, which, being cleaned and boiled, will serve to preserve life, and the use and method of preparing which, I taught to Lieut. Grant, the commander of the party.”

† Otta Quechee.

‡ Withe.

timber, who gave us the first relief, and assisted us to the fort, whence I dispatched a canoe with provisions, which reached the men at Cohasse four days after, which, agreeable to my engagement, was the tenth day after I left them.

“Two days after my arrival at Number Four, I went with other canoes, loaded with provisions, up the river myself, for the relief of others of my party, that might be coming on that way, having hired some of the inhabitants to assist me in this affair. I likewise sent expresses to Suncook and Pennacook,* upon Merrimack river, that any who should chance to straggle that way might be assisted; and provisions were sent up said rivers accordingly.”†

Having returned from his expedition up the river, Major Rogers waited for his men at Number Four, and having collected a part of his force, marched for Crown Point. On reaching that station, on the 1st of December, he found that he had lost by exposure and in other ways since leaving the ruins of St. Francis, three lieutenants and forty-six sergeants and privates.

General Amherst, the English commander, having informed Governor Pownall of Massachusetts, that his operations would effectually protect the frontiers from further incursions of the enemy, Col. Israel Williams, by the governor's orders, in the month of October, discharged the smaller garrisons along the Massachusetts cordon, and on the Connecticut river. The troops at Charlestown having gone with General Amherst, that post, not being deemed liable to an attack, was left undefended. Forts Dummer and Massachusetts, and the post at West Hoosac, were the only stations on the north-west frontiers of the province where garrisons were retained.‡

Although the strength of the French in Canada had been broken, yet the remainder of the season was too short to effect the total subjugation of that province. In the summer of 1760, General Amherst, in order to bring about this result at one blow, laid his plans for approaching Montreal by three different routes. The men under the command of Col. John Goffe, who had been raised in New Hampshire for the service of this year, having met at Charlestown, instead of being ordered to Crown Point by the way of Albany, were commanded to cut

* Now Pembroke and Concord.

† Letter to General Jeffrey Amherst, November 5th, 1759, in Journals of Major Robert Rogers; London, 1765, pp. 146-158.

‡ Hoyt's Indian Wars, p. 807.

a road across the present state of Vermont, thus opening a direct communication by land between Connecticut river and Lake Champlain. The road began at Wentworth's Ferry, two miles above the Fort at Charlestown, and was laid out twenty-six miles in the course of Black river, as far as the present town of Ludlow, where commenced a path which had been made the year before by Lieut.-Col. Hawks.* In this they passed over the mountains to Otter creek, thence along the borders of that stream in a good road previously constructed, to Crown Point. Their stores and baggage were conveyed in wagons the first twenty-six miles of the route, and from the point where the wagon-road ended, on pack-horses, across the mountains to the place of destination. By the same course, a drove of cattle for the supply of the army, were removed from Charlestown to Crown Point, during the campaign. While the New Hampshire regiment were engaged in cutting the road, the trails of Indians were occasionally seen in the adjacent woods, but no hostilities followed. The last incursion of the Indians on the frontiers of New England during the war was at Charlestown, whence the family of Joseph Willard were taken and carried to Montreal, a short time previous to its investment by the English.

Affairs in the colonies began now to wear a more cheerful aspect. The Marquis de Vaudreuil, Governor of Canada, finding it impossible to resist the combined forces of Generals Amherst and Murray, and of Col. Haviland, offered to capitulate, and the whole province of Canada, on the 8th of September, became the possessions of Great Britain. Thus ended the war in America, and for the first time since the year 1689, when "King William's war," as it was called, began, was there a prospect that peace would be long in its duration and protective in its character. Those who had deserted their settlements at the breaking out of the war, now returned to them, and fields which had for a long time lain uncultivated, began once more to wave with luxuriant harvests.†

The fort on the Great Meadow, which had been rebuilt in the year 1755, and which had been occupied as such, since

* In the "Memoir of General Stark," Concord, 1831, p. 180, it is said, that in the spring of the year 1759, Capt. John Stark "was employed with two hundred Rangers in cutting a road from Ticonderoga to Charlestown, N. H." It is probable that Hawks and Stark were employed on different portions of the same general route.

† Belknap's Hist. N. H., ii. 306, 307.

that period, was now turned into a dwelling, as were other posts in the vicinity, similarly constructed; but the defences being allowed to remain, these buildings were easily convertible to their original use. Nor were precautions of this nature entirely useless. Although the enemy did not again appear in any considerable force, yet during the two or three following years the settlers were occasionally alarmed by reports of their proximity, and found protection from danger, sometimes, it is true, more imaginary than real, in their old fortifications.

Governor Wentworth, who, on the 3d of January, 1749, had chartered the township of Bennington, and from that time until the 6th of April, 1754, had made grants of fourteen other townships within the present limits of Vermont, now commenced a course similar but more extensive, by granting the township of Pownal, on the 8th of January, 1760. Before the close of the year 1764, so actively had he been engaged in prosecuting his designs, that he had named and sold one hundred and eighteen townships, and had given fourteen thousand acres of land to reduced officers. This territory included the richest and most valuable portions of the land over which New Hampshire claimed jurisdiction, and left but little of it ungranted. The governor's official fees, and a reservation in every township of a certain portion of land for his own use and benefit, made him one of the richest men in his own province, and put him in possession of an abundance of good land, for which he rendered no compensation.

For the purpose of resuscitating the settlement at Westminster which had been abandoned, Col. Josiah Willard Jr., formerly of Fort Dummer, obtained a renewal of the charter of that town, on the 11th of June, 1760, and notified to the proprietors* a meeting. In accordance with this notice, "a legal meeting of the proprietors of the township of Westminster, in the province of New Hampshire," was held on the 4th of February, 1761, "at the house of Mr. John Averill, in said Westminster," at which Benjamin Bellows, of Walpole, presided as moderator. Means were taken to apportion the land satisfactorily, and preparations were made for permanent settlements on the broad and fertile plains which now constitute so much of the beauty of that village. At a subsequent meeting held May 6th, several valuable lots of land were voted to Col.

* See Appendix F.

Willard, in addition to those he then held, provided he should build a saw mill and a grist mill within the limits of the town. At the same time a tax was laid on the proprietors, in order to raise a fund from which to reward him for the various services he had rendered them. These efforts to multiply inducements to settlers from the older provinces were not without success, and before the close of the year 1766, more than fifty families were located in Westminster.* According to the census of 1771, taken by the order of Governor Dunmore of New York, this town was the most populous in that part of the province, the whole number of actual residents being four hundred and seventy-eight. The charter of Westminster was confirmed by the government of New York, on the 16th of March, 1772.

The charter of the township of Putney had been given by Benning Wentworth, governor of New Hampshire, to Col. Josiah Willard and others, and bore date December 26th, 1753. Settlements had been made on the "Meadows" in Putney, as early as the year 1744, and although they had been broken up by the Cape Breton war, yet they had been renewed about the time of the granting of the charter. The return of peace again gave an impulse to this almost abandoned settlement. Pleasantly diversified with the meadow-land and the hill-country; with woods whose recesses were rendered dark at mid-day by the towering pine, and the less tall but more expanded oak, butternut, and elm; with streams whose devious courses afforded a secluded home for the timid trout, or whose waterfalls promised encouragement to enterprise—Putney attracted the attention of the adventurer winding his way along the Connecticut, and gave him an abode among her woodland retreats.

* MS. Westminster Records under Massachusetts.

The conditions on which the settlers agreed to release to Col. Willard certain lands in the township of Westminster, are stated in the following language in the MS. volume above named:—"Provided he shall Build a Good Saw Mill and Grist Mill in s^d Town, and saw and grind at the usual Price of sawing at the Neighbouring Mill, and Grind Likewise at the same Toll Taken at the Neighbouring Mills. The Saw Mill to be built by the first Day of October next, and the Grist Mill in two years if the Town should Desire the same, and [he to] keep the said Mills in Repair ten years or Longer or Deliver up s^d stream for the use of the s^d Proprietors after y^e ten years, if he Refuses to Continue to keep s^d Mills in Repair. And it is to be understood that if the stream that is in s^d land be not sufficient for Constant Water for a Mill, then the said Town is to Provide a stream for s^d Mill to be built upon, and Land for the Conveniency of building s^d Grist Mill on, or the said Willard to be Exempted from building s^d Grist Mill."

See also Land Papers in Office Sec. State, N. Y., vol. xix., under date October 1st, 1765; vol. xxi., under date June 25th, 1766.

Early in the autumn of 1762, Lieut. Joshua Hide purchased in Putney a tract of land lying in the east part of the town on the river, comprising twenty-eight hundred acres, and in December following removed his family, and settled them in a house situated about fifty rods south of the spot where Westmoreland bridge has since been erected. At this time, with the exception of the families on the meadow, there were only two other families in the place—those of John Perry, and Philip Alexander, who lived not far from the river. There was no saw nor grist mill in town, and the grain for their daily bread was for several years carried for grinding either to Northfield, Massachusetts, or to Chesterfield or Westmoreland, New Hampshire. In 1764, Joshua Parker purchased land in Putney, and soon after drove the first cart which had ever appeared in town, through the main street to the north end of it, where he had fixed his residence. Although he removed his family from Canterbury, Connecticut, in October, yet he located them for the winter in Westmoreland for the convenience of mills, and did not settle permanently in Putney until March, 1765. A saw mill and a grist mill were soon after put in operation, and the settlers were thus relieved from several of their greatest embarrassments. Meantime, Henry Walton, James Cummings, and Moses Johnson had erected dwellings on the street, and Benjamin Hutchins and Samuel Skinner in the eastern part of the town. Before the middle of the year 1765, the number of families had increased to fifteen.

Few though they were in numbers, yet they forgot not the worship of God ; and meetings for this purpose, held for several years at the house of Joshua Parker, by whom they were conducted, or in the barn of James Cummings, and afterwards, when the settlers had become more numerous, in more convenient places, served to cherish in their breasts the spirit which they had brought from their native provinces—a spirit derived from the Puritan, but pruned of the severity, dissimulation, bigotry, and intolerance, which were too often manifest among those who bore that venerated name. In 1768 Noah Sabin of Rehoboth, Massachusetts, afterwards distinguished in the annals of Cumberland county, removed to Putney. The town was chartered by New York on the 14th of November, 1766, and on the 8th of May, 1770, it was organized, and town officers were chosen.*

* From two MS. "Historical Sermons," preached at Putney, by the Rev. E. D.

The township of Halifax, the second in the state granted by New Hampshire, was chartered on the 11th of May, 1750. At the instance of Oliver Partridge, one of the principal grantees, it was divided into sixty-four equal shares, and the lot of each owner was marked at the corners with "lasting boundaries." In the centre of the town was a large space of a hexagon shape taken from the surrounding lots for public uses. Settlements were commenced in 1751, but those who undertook them were not able to prosecute their plans on account of the hostility of the Indians. After the reduction of Canada, the proprietors of more than forty lots renewed their exertions "with good pro-

Andrews, on a Fast-Day, in the year 1825, which have afforded the materials for the paragraphs in the text relative to that town, the following additional particulars are extracted:—"In the year 1768 there were on the street, besides the families before named, William Wyman's, settled near the house now occupied by Captain Ash; Charles Kathan's, near Dr. Campbell's place; and Amos Haile's. West of the street there were but three families, viz. John Butler's, where Peter Blood now lives; Michael Law's, where Aaron Houghton now lives; and Dennis Locklin's, on the farm now owned by the Hon. P. White, forty or fifty rods in the field south of his farm-house. East of the mouth of Sackett's Brook there were four families, viz. Jonas Moore's, where Abel Hubbard now lives; Leonard Spaulding's, near B. Reynolds's; Fairbank Moore's, on Timothy Underwood's farm; and Samuel Allen's, on the farm of Jonas Keyes Jr. At that time there was no road from the Great Meadow to the street, except on the bank of the river as far as Kathan's ferry, and thence up to the street. The valley through the middle of the town was then chiefly a wilderness.

"In 1768 the Hon. Noah Sabin built the first framed house, on the ground nearly opposite Deacon Taft's; and the building is now a part of the store of Leavitt and Crawford. The same year Amos Haile built a framed house, opposite the house now occupied by the Hon. Theophilus Crawford. James Cummings built the house where Abel Haynes lives, and Charles Kathan also built on the spot where Mrs. McLellan lives, near Dr. Campbell's. Not long after, Moses Johnson built the first two story house on the street—the house now occupied by Elijah Blake, thirty rods north of the meeting-house. The first saw-mill was built on the site of the paper-mill in 1765 or 1766. The first grist-mill was built by Deacon Minott, where Minott's mills now stand, in the year 1766. The second grist-mill was built by Jonathan Houghton about the year 1769. It was situated fifteen rods east of the paper-mill, on the site where Newell Moore's blacksmith shop now stands. The first clothing-works were built in the east part of the town by Capt. Roswell Parker in the year 1785. The first blacksmith, who worked in town, was Capt. Daniel Jewett. He commenced about the year 1778. The first store was opened about the year 1770, by Peter Wilson, a little west of the house of the Hon. John Noyes, and here was the first tavern. The second store was opened by Charles Chandler, twelve rods south of the meeting-house, about the year 1783. The first meeting-house was built in 1773."

Many changes have taken place since the Rev. Mr. Andrews collected these minute details of the early settlement of Putney, but it was supposed they might still possess some interest to those curious in preserving the grains of local history, and for that reason they have been here inserted.

ficiency," and although the township consists almost entirely of "mountainous lands," and was then very heavily "loaded with timber," yet the proprietors were sanguine that their settlement would at some future period "prove beneficial to the public."

The township of Marlborough, after having been chartered by New Hampshire by that name, on the 29th of April, 1751, and again on the 21st of September, 1761, was chartered as *New Marlborough*, on the 17th of April, 1764. The prefix being disliked, was dropped by the consent of most of the inhabitants, the original name only being retained. The first two charters were granted to Timothy Dwight of Northampton and his associates, the third to Charles Phelps and his associates. Phelps, as the principal grantee, was directed to call town-meetings in accordance with the conditions of the third charter. Under the first charter the outside lines of the town were run and the corners set in 1752, but owing to the French war the grantees were unable to comply with the requisitions of their charter, and for this reason it was forfeited. On the renewal of the charter means were taken to effect a settlement, and in May, 1762, the town was laid out by Joseph Allen Jr., surveyor, and Eliphaz Clap, Oliver Brigham, Joel Strong, and Timothy Parsons, chainmen.*

The first actual settler was Abel Stockwell, who, in the spring of the year 1765, removed with his family from West Springfield, Massachusetts. Entering by the road passing through Brattleborough, he established himself in the eastern part of the town, on the farm since occupied by Luther Ames. The first tavern in town was opened and kept by Stockwell.† Francis Whitmore with his family from Middletown, Connecticut, commenced the second settlement. He came in by the way of Colrain and Halifax, and chose for his location the farm which was afterwards occupied by his grandson, Levi Barret. Although his entrance succeeded that of Stockwell but a few weeks, yet the two lived nearly a year within a few miles of

* Petitions from Oliver Partridge and others, dated November 12th, 1764, October 7th, 1765, and August 5th, 1766; also from Charles Phelps and his associates, dated October 15th, 1765, and October, 1766, in Land Papers, in office Sec. State, N. Y., vols. xvii., xx., xxi. Records in Town Clerk's office, Marlborough.

† The first birth in Marlborough was that of Aaron Stockwell, son of Abel Stockwell Jr. and Patience his wife, which took place July 9th, 1768. Abel Stockwell Jr. was the son of Abel Stockwell, the first settler.

one another without becoming acquainted, each supposing that his own family was the only one in the town. On account of their distance from other settlements, the families suffered severely from the want of the necessities and conveniences of living. Capt. Whitmore was accustomed to bring all his grain on his back, through the woods, from Deerfield and Colrain, a distance of from twenty to thirty miles. With difficulty a cow was kept through the first winter, upon browse and wild grass gathered in the preceding summer. During another winter, Capt. Whitmore supported his oxen with the hay he had previously cut from a beaver meadow.* To this spot he drove his oxen at the commencement of the cold weather, built for himself a camp, and there remained performing the duties of an oxherd until the following spring. The winter of the year 1765 was a lonely one to Mrs. Whitmore. Her husband pursuing his calling as a tinker, was absent in the older settlements, earning something for the support of his family. During the short unpleasant days, and the long, cheerless nights of that dreary season, she saw no human being but her little daughter. Once, it is true, a party of hunters visited her dwelling in their wanderings, but the shortness of their stay only added to her loneliness. In this situation she displayed that force of mind, and power of contrivance, which in a more public situation would have earned for her the name of a heroine. Her hands were not employed in performing simply the lighter duties of the household. In order to supply her fire with fuel she felled the trees of the forest, and on the twigs which the branches afforded she supported her little stock of cattle. She procured water for them, and herself, and daughter, by melting snow, it being easier to pursue this method than to seek for the springs through the deep snow. In this manner she spent the winter, and although her sufferings were occasionally severe, yet constant employment left her but little time for unavailing complaints.†

* This meadow is now covered with a mill-pond. It is situated about half a mile north of the meeting-house, on the west side of the New Fane road.

† "Mrs. Whitmore was exceedingly useful to the early settlers, both as a nurse and midwife. She possessed an uncommonly strong constitution, and frequently travelled through the woods upon snow-shoes, from one part of the town to another, both by day and night, to relieve the sick and afflicted. On one occasion in the night, she went on snow-shoes through the woods, keeping the path by the assistance of blazed trees, from her own house to that of Col. William Williams, situated at the mills known as the Underwood mills, a distance of not

In 1764, the year following the arrival of Stockwell and Whitmore, Charles Phelps, a lawyer from Hadley, Massachusetts, removed with his family to Marlborough. He and his sons Solomon and Timothy, though men of eccentric mental conformation, bore a prominent part in the history of the country, and their names will be frequently met with on these pages. A beginning having been made, the population of the town increased gradually, and before the close of the year 1766, the number of settlers amounted to twenty-seven.*

The town of Wilmington was chartered by New Hampshire, by that name, on the 29th of April, 1751, to Phinehas Lyman and fifty-seven others. As the conditions of the grant were not fulfilled by the grantees, the charter, by its own provisions, became void. When the town received its second charter from New Hampshire, on the 17th of June, 1763, its name was changed to Draper, and its proprietors were His Excellency Francis Barnard and sixty-six others. The name Draper being disliked, the old name of Wilmington was subsequently revived by the common consent of the inhabitants, and has been retained to this day. Before the close of the year 1765, seven families had become inhabitants of the township, and others not yet residents had cleared and improved many acres of land. Although these inceptive measures gave promise of enterprise and activity, there were but seventy-one inhabitants in the town, in the year 1771.

By the name of Fane, the township now known as Newfane, was granted by New Hampshire on the 19th of June, 1753, to Abner Sawyer and sixty-seven others, his associates, many of whom were inhabitants of Shrewsbury, Massachusetts. Attempts were made in the following year to comply with the terms of the charter, by clearing a certain amount of land and allotting it in severalty, but the state of the times forbade a successful prosecution of the work, and the charter was forfeited. A new charter was issued by New Hampshire, on the 3d of

less than six miles. Capt. Whitmore died May 31st, 1790, aged about seventy years. Mrs. Whitmore was afterwards married to Isaac Pratt, an early settler, from Shrewsbury, Massachusetts. She died after a lingering sickness, May 24th, 1814, at the advanced age of eighty-seven years. During her life she officiated as midwife at more than two thousand births, and never lost a patient." MS. History of the Town of Marlborough, by the Rev. Ephraim H. Newton, written in 1824.

* Thompson's Vt. Gazetteer, p. 174. Thompson's Vt., Part III, pp. 110, 111. Appendix to Deming's Catalogue, p. 159.

November, 1761, to Benjamin Flagg and sixty-four other grantees, and its present name was given to the town.* In May, 1766, a settlement was commenced by Deacon Jonathan Park, Nathaniel Stedman, and Ebenezer Dyer, who emigrated from Worcester county, Massachusetts. "For several years, they suffered all the hardships and privations incident to the settlement of a new country. Without roads, horses, or oxen, they were under the necessity of conveying, by their own strength, all their provisions from Hinsdale, a distance of twenty miles, through a pathless wilderness." Lucy, a daughter of Deacon Park, whose birth took place on the 15th of August, 1769, was the first child born in the town.

That the township which now bears the name of Rockingham was first granted by Massachusetts, is not a fact establish-

* On the 10th of July, 1765, Ebenezer Morse, Ephraim Doolittle, and Job Cushing, a committee of the proprietors of the township of New Fane, sent from Shrewsbury, Massachusetts, a memorial to Lieut.-Governor Cadwallader Colden, of New York, containing an account of the situation of the township of New Fane. Referring to the second charter issued by New Hampshire, they said: "Your petitioners have, agreeable to the demands of said Charter, made all possible efforts in order effectually to settle said Lands so granted, and have already expended Six Dollars upon Each Right or Share, in making Publick Roads, and in other Publick Services, and cleared upon the several Lots in said Township more than fifteen hundred acres of Land (as we judge), and were vigorously prosecuting the settlement of said Township, When Your Honor Issued a Proclamation, Laying Claim to all the Land West of Connecticut River (then chartered out by the Governor of New Hampshire) as belonging to the Government of New York." They also stated that the doubts which had arisen in their minds in regard to the validity of the New Hampshire charter, had retarded the settlement of the township. In order to remove all obstacles, they asked for a confirmation grant; and that they might not be compelled to pay more than the usual fees, they prayed that the confirmation might be made before the stamp act should become obligatory. For a long time, no notice appears to have been taken of this petition, and when, finally, the attention of the Governor was directed to the subject, instead of confirming the New Hampshire charter, he, on the 11th of May, 1772, made a grant of the township to "Walter Franklin and twenty other persons, principally residing in the city of New York." On the day following this transaction, Franklin and his associates conveyed their right to Luke Knowlton and John Taylor of Worcester county, Massachusetts. The titles to all the land in Newfane are by consequence derived from the New York charter. In the conveyances which were made to Knowlton, allowance was, without doubt, made for the lands which he then owned in the township. That his title to a portion of the lands antedated that derived from Franklin, appears by a memorial presented to Governor Moore of New York, dated Jan. 28th, 1767, in which it is stated, that at that time New Fane was partially settled and improved, and that Knowlton held land there of which he had got possession, by deed.—New York Colonial MSS., Land Papers, May 2d, 1765, vol. xviii.; July 10th, 1765, vol. xix.; January 28th, 1767, vol. xxii.; Thompson's Vermont, Part III., p. 126.

ed beyond dispute. There is, however, a strong presumption that at the time when Westminster was granted, by the name of "Number One," Rockingham received similar privileges from Massachusetts, under the name of "Number Two." Previous to the year 1750, the township was known as Goldens-town. A charter having been obtained from New Hampshire on the 28th of December, 1752, a settlement was commenced in the following year by Moses Wright, Joel Bigelow, and Simeon Knight, who emigrated from Massachusetts. Like other towns, similarly situated, it was deserted during the war which soon after followed, and on the restoration of peace was organized about the year 1760. "The attention of the first settlers was principally directed to fishing for salmon and shad, which were then taken in great abundance at Bellows Falls. For this reason, agriculture was, for many years, much neglected, and the settlement advanced very slowly." Notwithstanding these drawbacks, Michael Lovell and Benjamin Bellows Jr., two of the principal proprietors, declared, in the year 1765, that there were at that time twenty-five families settled in the town, and further, that they had made sufficient improvements to fulfil the conditions of their charter.

Townshend, although chartered by New Hampshire on the 20th of June, 1753, was for many years unvisited and uninhabited. In the year 1761, the first settlement was commenced by Joseph Tyler of Upton, Massachusetts. He was soon joined by John Hazeltine, and others from the same town; but of the progress which they made in reducing the wilderness and in advancing the growth of the new settlement during the six years succeeding the close of the war, there are no means of judging.

The old township of Hinsdale,* which included lands on both sides of the Connecticut, was granted by Massachusetts at a very early period. Even after the river had been declared the boundary line between the provinces of New Hampshire and New York, and the township had in this manner been divided, the different parts, although under distinct organizations, still retained their original name, and were thus known until the 21st

* It derived its name from the Rev. Ebenezer Hinsdell or Hinsdale, who was probably one of the original proprietors. This excellent man, of whom an account has already been given, served for many years as chaplain to the neighboring garrisons, and by his sound judgment and excellent counsels, wielded a healthful influence over all with whom he was brought in contact.

of October, 1802, when the name of Hinsdale, in Vermont, was changed to that of Vernon. The date of the first grant is not accurately known. In a petition, still extant, from Samuel Hunt, by his attorney Oliver Willard, which was presented to the provincial government of New York on the 3d of November, 1766, it is stated, that the tract of land comprised in this township, "was purchased of the native Indians and granted by the province of the Massachusetts Bay, near one hundred years ago, and soon afterwards cultivated and settled; and that it was afterwards found to be in the province of New Hampshire, and was then confirmed to the proprietors by power dated the 3d of September, 1753." The "power" referred to, was the charter issued by Governor Benning Wentworth, by which the township of Hinsdale, including land on both sides of the Connecticut, was regranted to Ebenezer Alexander and ninety-four others. An alteration was made in this charter or a new one was issued on the 26th of September, 1753, by which the grant was divided into two towns. The west bank of the river formed the line of separation, and each town was known as Hinsdale. Portions of the town since known as Vernon were subsequently chartered by New York, under the names of Hinsdale and Fall Town Gore.

In a "Narrative of the Controversy" between New York and New Hampshire, by Ethan Allen, reference is made to the early history of Hinsdale in these words: "This township had first been granted by the government of the Massachusetts Bay, and upon the settlement of the boundary line between the Massachusetts Bay and New Hampshire in 1739, it fell within the latter, and by that government was granted and fully ratified to the inhabitants and proprietors, who, in addition to their title, had also the Indian right." The earliest inhabitants were emigrants from Northfield and Northampton, Massachusetts. They encountered with spirit and resolution the dangers to which they were exposed from their enemies, the Indians, and some of the incidents in which they were participants have already been recorded. Previous to the King's decision of the boundary line between New York and New Hampshire, which decision was made on the 20th of July, 1764, the Rev. Bunker Gay was settled at Hinsdale, in the "work of the gospel ministry." As "an encouragement" to him in his labors, "the inhabitants of Hinsdale, then living on both sides of Connecticut river, voted" to give

him three hundred and fifty acres of land. Whether the zeal of his parishioners became cool as their worldly prospects brightened, or whether they deemed it wrong for a servant of heaven to be a landholder on earth, does not appear. The land, however, was not allotted; and when there appeared no prospect of a better state of affairs, Bunker Gay prayed the government of New York for the gift of a thousand acres in the west part of the town, in lieu of the old promise, on which he had ceased to rely. No records have yet shown the fate of his petition.

CHAPTER V.

FIRST SETTLEMENTS.

Brattleborough—Fulham or Dummerston—The “Equivalent Lands”—Frauds—John Kathan—Chester—Guilford—Peculiarity of its Organization—Grafton—Hartford—Norwich—Plymouth—Reading—Windsor—Pomfret—Hartland—Woodstock—Thetford—Sharon—Springfield—Weathersfield—Fairlee—Guildhall—Cavendish—Andover—Bradford—Lunenburg—Newbury—Col. Jacob Bayley—Immigration.

THE first civilized settlement within the boundaries of Vermont was made at Fort Dummer, in the south-eastern corner of the township subsequently known as Brattleborough, in the year 1724. The charter of Brattleborough was issued by New Hampshire on the 26th of December, 1753, but several years elapsed before any attempts were made to colonize those portions of the town which are now comprised within the limits of the east and west villages. One of the principal proprietors was Col. William Brattle of Boston, and to him the town owes its name. Josiah Willard, Nathan Willard, David Sargeant, David Sargeant Jr., John Sargeant, Thomas Sargeant, John Alexander, Fairbank Moore and son, Samuel Wells, and John Arms, were among the first settlers, and were all from Massachusetts, with the exception of John and Thomas Sargeant, and John Alexander, who were born at Fort Dummer. John Sargeant is believed to have been the first white person born in the state. His father and his brother David were ambushed by the Indians, and the former was killed and scalped. The latter was carried into captivity, and adopted the Indian habits and manners, but subsequently abandoned his savage pursuits and companions, and returned to his friends. Governor Wentworth manifested much interest in the early settlement of this town and of Rockingham, and in both of them, according to his own statement, he was at “considerable ex-

pense in erecting mills." Brattleborough was at an early period a flourishing settlement, and prosperity has at all times subsequent characterized its condition.

The township of Dummerston includes within its limits a portion of the territory which was formerly known, and has been previously spoken of, as the "Equivalent Lands." After these lands had passed from the hands of the government of Connecticut, in the year 1716, they were held by gentlemen from Connecticut, Massachusetts, and London. Application having been made by five of the proprietors to Samuel Partridge of Hatfield, Massachusetts, one of His Majesty's justices of the peace, desiring him, in his official capacity, and in accordance with the laws of the province, to appoint a meeting of all the proprietors, Major John Stoddard of Northampton was, on the 26th of March, 1718, directed to make the appointment. In obedience to this order, Major Stoddard issued the following notification on the 28th, which was posted "at some public place" in the county of Hampshire:

"These may certify all persons concerned, but more especially the several and respective proprietors of the Equivalent Lands, so called, lying in the county of Hampshire:—

"That pursuant to a law of the province, and at the desire of five of the proprietors of the said lands, the Honorable Samuel Partridge, Esq., hath appointed the first Wednesday of June next, at two o'clock in the afternoon, at the Green Dragon Tavern, in Boston, to be the time and place for a meeting of the said proprietors, in order to the choosing of a proprietor's clerk, the appointing a committee to be selected out of their number for such purposes as shall be agreed on, the dividing or disposing of their said propriety or any part thereof, the choosing an agent or general attorney to represent, manage, and act for them, to regulate meetings for the future, etc. I do, therefore, hereby, in obedience to a warrant directed to me for that end from the said justice, inform and give notice to all the proprietors of said lands, that there will be a meeting at the time and place, and for the ends aforementioned, and they are hereby desired to give their attendance accordingly."

The "Equivalent Lands" were afterwards allotted by mutual agreement, and it is probable that the allotment took place at the meeting notified by the above warrant. The tract situated above Northfield, including portions of the present towns of Putney, Dummerston, and Brattleborough, fell in the partition to

William Dummer, afterwards Lieutenant-Governor of Massachusetts, Anthony Stoddard, William Brattle, and John White, "and a deed thereof" was made to them by Gurdon Saltonstall and others, "as their part and proportion."

Between the years 1744 and 1750, when attention was first aroused to the subject of settling the lands on Connecticut river, situated between the north line of Massachusetts and Number Four, the idea was prevalent that Governor Wentworth of New Hampshire had received advices from Great Britain, instructing him to give to the inhabitants of Massachusetts who were proprietors under that province within the specified limits, the privilege of the first choice of lands; and in case they should refuse to take out charters under New Hampshire, then to extend the privilege to whoever should next apply. In the year 1750 Joseph Blanchard of Amherst, New Hampshire, was sent to survey the territory which it was in contemplation to grant. His examination having been completed, the old proprietors of the "Equivalent Lands" petitioned the Governor of New Hampshire for a grant of that tract, and a portion of the adjacent territory. Accordingly, on the 26th of December, 1753, the "Equivalent Lands," together with a "considerable quantity of other lands, was formed into three townships, beginning at the north bounds of Hinsdale, on the west side of the river, and extending back about six miles, and so far up the river" as to enclose the required amount. Previous to this, the whole of the "Equivalent Lands" had been known by the name of Dummerston. The proprietary of Dummerston, with the territory added by New Hampshire, was now divided into the townships of Fulham, Putney, and Brattleborough. The name Fulham* was afterwards changed to Dummerston, but at what time no record shows. As late as 1773, the town was called by both names.

In the charters of the three towns, the names of several new proprietors were admitted, but particular care was taken that the rights of the original grantees should not be infringed. In a petition presented by these grantees to Governor Wentworth, in the year 1760, he was requested to confirm to Anna Powell, who held the share formerly belonging to Governor Dummer, one quarter part of the "Equivalent Lands," and to the heirs of Anthony Stoddard, to the heirs of John White, and to William Brattle, each, a

* In old documents, the name is spelled Fullum, Fallham, and Fulham.

like portion. The confirmation was made in accordance with these instructions, and it was generally supposed that satisfaction had been given to all concerned. At the close of the war, when Governor Wentworth had recommenced his prodigal system of apportioning lands, there came to Portsmouth from Pomfret, Connecticut, one Isaac Dana, who stated that "a certain Mr. White" had an interest in the "Equivalent Lands," but that no portion had been given him in the allotment which had been made seven years previous. To compensate for this neglect, Dana asked for the grant of a township. Col. Josiah Willard of Winchester, New Hampshire, who was present, told him that if any wrong had been done, the blame lay with Col. Brattle, who had acted as agent for the proprietors of the "Equivalent Lands," and had ordered all matters "to his liking." Notwithstanding this declaration, Dana received, on the 8th of July, 1761, a patent for the township of Pomfret, on the New Hampshire Grants, and departed satisfied. It is doubtful whether the heirs of White ever received any benefit from this transaction.

A few days passed, and there appeared at Portsmouth "one William Story, a gentleman from Boston." He also complained of the injustice which had been done White's heirs in the distribution of the "Equivalent Lands," and prayed for redress or compensation. Col. Theodore Atkinson, the Governor's secretary, was very merry when this claim was proffered, deeming it as fraudulent. But his laugh was no more effective than had been the reasoning of Willard, and to Story and his associates was set off the township of Bernard on the 17th of July, 1761, though the application had at first been made in the name of the injured heirs of the injured White. On the 11th of August, 1766, one Joseph Bryant discovered that in the charter of the township of Putney, "only about two thirds" of the names of the heirs of White had been inserted. He also ascertained that other names had been substituted for those of the unlucky one third, by which a great wrong had been committed. A memorial containing this and kindred information, was in consequence dispatched to Henry Moore, Governor of New York. Whether that official exhibited on this occasion a disposition as yielding as that which characterized the conduct of Governor Wentworth, it is impossible to say. As to the frauds which were afterwards practised by means of John White's neglected title, old

manuscripts, soiled land papers, and formal depositions are silent.*

Soon after the charter of Fulham was granted, John Kathan, who had resided within the limits of the town since the year 1752, united with a number of persons, purchased in conjunction with them, from the New Hampshire proprietors, a part of the township, and in the year 1754, according to his own account, removed there, "with his wife and seven or eight helpless children." Possessing the qualities of industry and perseverance—qualities especially necessary to the successful management of a new settlement, he addressed himself with energy to his task, and "did actually clear and improve above a hundred and twenty acres, and built a good dwelling-house, barn, and all necessary offices, and also a saw mill, and potash works." In order to guard his improvements, he was "at a considerable expense in building a fort round his house," and was "under the disagreeable necessity of residing therein during the course of a tedious and distressing war." Misfortune rendered his toil more severe.

* MSS. in connection with a deposition made by Israel Williams, June 29th, 1786. Deposition of Joseph Blanchard, dated Amherst, N. H., August 7th, 1787. Petition of Joseph Bryant, dated August 11th, 1766, in Colonial MSS., Land Papers, office Sec. State, N. Y., vol. xxi. To the MS. "Records of the public Proceedings of the Town of Dumerston, alias Town of Fullham," the annexed account of the circumstances attending the early history of that proprietary is prefixed as an "Introduction."

"The tract of land called Dumerston is a part of the tract of land on the west side of Connecticut river, formerly granted to Connecticut government as an equivalent for some lands which the province of Massachusetts Bay had granted to their planters, which upon inquiry was found to be within the government of Connecticut: in order to secure the property of y^e soil to the Massachusetts planters, that government granted to Connecticut the property of sundry tracts of their province land, one of which was the tract here mentioned, which the government of Connecticut sold to sundry private gentlemen, among whome were the late Honourable Wm. Dumer & [Anthony] Stoder, Esq., whose heirs are now the proprietors of one half of the whole tract on Connecticut river, supposed to contain 48,000 acres. The said Wm. Dumer being the oldest proprietor, the tract was called after him. The name is now kept up in acknowledgement of the title from the original grant of the Massachusetts government, which is the title the land is now held by. On the settlement of the jurisdictional line of the province of Massachusetts Bay with that of New Hampshire, the tract of land here mentioned fell within the limits of New Hampshire government, which incorporated the whole into three townships, including in the middle townships, the greatest part of the lands belonging to the heirs of Wm. Dumer & [Anthony] Stoder, and called the name of it Fullham, by virtue of which the privileges of a town are now held: besides the town of Fullham, what is known by the name of Dumerston includes nearly one half of the town of Putney."—Records, 1778, 1774, p. 10. Appendix to Deming's Catalogue, p. 142.

His eldest daughter was taken prisoner by the Indians. For two years and a half he knew nothing of her fate, but at the end of that time she returned home, Col. Peter Schuyler having "paid a ransom of four hundred livres for her redemption from captivity."

In the year 1752, a ferry was established between Westmoreland, New Hampshire, and the proprietary of Dummerston, and about the same period a similar method of communication was arranged between the latter place and the town of Chesterfield. The settlement, although much disturbed by the war, was not allowed to die, and a few years after the restoration of order, John Kathan and his eighteen associates with their families were rapidly subduing the forests of Fulham, and accomplishing the conditions of their charter.

To John Baldrige and others the lands now comprised in the township of Chester, were granted on the 22d of February, 1754, by the name of Flamstead. Under this first New Hampshire charter no settlements were made, and by this neglect the proprietors no doubt forfeited their rights. A second charter to Daniel Hayward and his associates, issued by the same province on the 3d of November, 1761, gave to the town the name of New Flamstead, and divided it into seventy-four equal shares. Under this charter the proprietors held a number of meetings, but none in Chester until about the year 1764. Their first appointed clerk was John Goulding, who held that office from 1761 to 1763. In the latter year, Thomas Chandler Sen., who being interested in the settlement of Walpole, New Hampshire, had been appointed a selectman of that town, turned his attention towards the colonization of New Flamstead. His son, Thomas Chandler Jr., was chosen to succeed John Goulding, and was clerk until the year 1767. During the year 1763, the elder Chandler, with his sons John and Thomas Chandler Jr., removed to New Flamstead, and was followed by Jabez Sargeant, Edward Johnson, Isaiah Johnson, Charles Mann, William Warner, Ichabod Ide, and Ebenezer Holton, from Woodstock, Connecticut, and Worcester and Malden, Massachusetts. The first birth in the town was that of Thomas Chester Chandler, on the 26th of December, 1763. By a third charter issued by New York on the 14th of July, 1766, Thomas Chandler Sen. and his associates became proprietors of the town, and its name was changed to Chester. Under this patent the town was organized in June, 1767, and by authority derived from it, lands in Chester are now held.

The town of Guilford was chartered by New Hampshire on the 2d of April, 1754, to fifty-four proprietors, principally from Massachusetts. The account of the early civil and political condition of this town, given by Thompson in his "Gazetteer of Vermont," is in the words following:—"When granted, the town was a perfect wilderness, yet by the charter, the grantees were to hold their first meeting for the choice of officers, etc., on the 1st of May, 1754, and on the first Tuesday of March ever afterwards. It seems the town was first organized by and under the very grant itself. Power was given to the grantees to transact the business of the town as a majority should see fit, subject only to the control of the Parliament of England. This little enterprising band, composed of Samuel Hunt, John Chandler, David Field, Elijah Williams, Micah Rice, Ira Carpenter, and others, having little to fear from the nominal power of Parliament, in the wilderness of Vermont, assumed the title, which was virtually created by their charter, of a little independent Republic. By the records of their first meetings, they appear to have been governed by certain committees, chosen for the purpose of surveying the lands, laying out roads, drawing the shares or lots, taxing the rights, etc., but their greatest object was to procure and encourage settlers. Their meetings were held at Greenfield, Northfield, Hinsdale, or Brattleborough, until 1765, when their first meeting was held at Guilford. There was a condition, which, if not performed, went to defeat the grant. The grantees were to settle, clear and cultivate, in five years, five acres for every fifty in said township. Although much time and money were spent in making roads and clearing lands, yet on the 20th of March, 1764, the grantees, by a special committee chosen, petitioned the Governor of New Hampshire for a confirmation of their grant, and an extension of the time, stating that the intervention of an Indian war had made it impracticable for them to fulfil the conditions of the charter.* Their prayer was granted, and the time for settling the town extended to the 1st of January, 1766. From the time the charter was confirmed in 1764, the town began to be rapidly settled by emigrants from Massachusetts and other New England provinces. Through

* The charter of Guilford was renewed and extended on three different occasions. The first extension was dated July 6th, 1761, the second, March 20th, 1764, and the third, June 7th, 1764.

the policy of the original proprietors, the first settlers began upon lots of fifty acres, in order to fulfil the condition of the grant. So rapid was the increase of population, that the town soon became the largest in the state as to numbers. Yet there was not a single village in the township, or rather, the whole township was a village—all the hills and valleys were smoking with huts."

In this township, three hundred and fifty acres constituted a share. The usual reservations for public purposes were made, but the governor's right was located upon the only mountain in the township, from which circumstance the elevation has since been known as "Governor Mountain." Although the conduct of the proprietors was in general fair and generous, yet in one instance love of gain appears to have predominated over scrupulous honesty. Not content with obtaining good prices for the land contained within their grant, they located and sold "one whole tier of hundred acre lots, north, beyond the extent of their charter," and to this day these lots are comprised within the limits of the town. The first land was cleared in 1758, by Jonathan and Elisha Hunt, on the farm since occupied by the Rev. Asa Haynes. The first settlement was made in September, 1761, by Micah Rice and family, on the place since occupied by Jeremiah Greenleaf. These adventurers were followed by Jonathan Bigelow, John Barney, Daniel Lynds, William Bigelow, Ebenezer Goodenough, Paul Chase, Thomas Cutler, John Shepardson, and others. "They came into town by the way of Broad Brook. Beginning at the mouth of that stream on Connecticut river in Vernon, and passing up on its banks, they found their way into Guilford." This road, although the only one by which the town could then be reached, was impassable with teams, and the settlers, for some time, were compelled either "to boil or pound their corn, or go fifteen miles to mill with a grist upon their backs." Such are some of the circumstances pertaining to the early settlement of Guilford.

The town of Grafton was granted, on the 8th of April, 1754, to Jonathan Whitney, William Holt, Nathaniel Harris, and sixty-one associates, by the name of Thomlinson, and was the last town chartered by New Hampshire previous to the breaking out of the French war. On the 9th of July, 1761, the time for fulfilling some of the conditions of the charter was extended. A new charter was granted on the 1st of September, 1763, to the same persons who had held the former one, and the old name

was retained. In the year 1768, a Mr. Hinkley and his family, with two other families, removed to the township, and began a settlement on what was afterwards called Hinkley Brook. They soon abandoned their undertaking, and from that time there was no permanent settlement within the borders of the town until the year 1780. The name Grafton was substituted for that of Thomlinson on the 31st of October, 1791.

Hartford, the first township granted by New Hampshire east of the Green Mountains after the close of the French war, was chartered on the 4th of July, 1761. The original grantees, sixty-four in number, were principally from Lebanon, Connecticut. Prince Tracy, James Pinneo Jr., and Jonathan Marsh constituted the proprietors' committee. Within a few months after the charter was obtained, sixty-four fifty acre lots were laid out, one of which was given to each proprietor to hold in severalty. In 1763, the township was surveyed, and proper marks were placed at the corners, and between the corners at the end of every mile. At the same time allowance was made for highways, and some of them were partially prepared for use. These improvements occupied a part of the summer, and were made by ten of the grantees. In the summer of 1764, the same persons renewed their exertions, and in that year, Elijah, Solomon, and Benajah Strong emigrated with their families from Lebanon, Connecticut, and made the first permanent settlement. They were followed during the next year by twelve other families, and on the 8th of March, 1768, the town was regularly organized. The first child born in town was Roger, son of Ebenezer Gillett. This event occurred on the 6th of August, 1767. From the time the town was chartered until its organization, the proprietors displayed much energy in effecting a settlement, and by their strenuous efforts the requisitions of the charter, under which they held, were faithfully fulfilled.

On the 4th of July, 1761, under a patent from New Hampshire, the township of Norwich was granted by the name of Norwhich, to Eleazer Wales and his associates, and was organized in Connecticut on the 26th of August following. In 1762, the township was apportioned by lot. Although at that time the neighboring country was for miles around covered with untrodden wildernesses, yet this did not deter the advance of civilization. A few years later, cottages and cabins had sprung up in Norwich; and at Lebanon and Hanover, in New Hampshire, patches of cleared ground bore witness to the presence of

the sturdy pioneer. The first settlers in Norwich were Jacob Fenton, Ebenezer Smith, and John Slafter from Mansfield, Connecticut, Jacob Burton and Asa, his son, from Stonington, in the same province, and the Messenger and Hutchinson families. In 1766, a saw mill was built by the Burtons, a little west of Norwich plain, and from that period the growth of the town was constant and certain.*

Plymouth, the next town chartered by New Hampshire, was granted to Jeremiah Hall, John Grimes, and sixty-two other proprietors, by the name of Saltash, on the 6th of July, 1761. The township, although early surveyed and divided under the original charter, was regranted by New York on the 13th of May, 1772, to Ichabod Fisher. No settlement was commenced within its limits until the year 1777, and the town was not organized until ten years later. On the 23d of February, 1797, the name of Saltash was superseded by that of Plymouth.

The township of Reading was chartered by New Hampshire on the same day on which Saltash received its patent, but could not boast of any inhabitants until the year 1772, when Andrew Spear and his family moved thither from Walpole, New Hampshire. For several years they were the only residents in the place. The original grantees were Zedekiah Stone, Israel Stowell, Jonathan Hammond, and their associates to the number of fifty-nine. On the 6th of March, 1772, the township was granted by New York to Simon Stevens and others. It was organized on the 30th of March, 1780. A saw mill was built during the same year, and Reading became a thriving settlement.

Windsor, the date of whose charter is the same as that of the two preceding towns, was granted to Samuel Ashley, Jacob Cummings, and fifty-seven other persons, who immediately organized as a proprietary body, and "proceeded to survey, make a plan of, and allot the town." The first permanent settlement was commenced by Capt. Steele Smith, who with his family removed from Farmington, Connecticut, in August, 1764. In the following spring, "Major Elisha Hawley, Capt. Israel Curtis, Deacon Hezekiah Thompson, Deacon Thomas Cooper, and some others" became inhabitants of the town, and before

* A statement of the opinions which obtain respecting the first settlers of Norwich will be found in Thompson's Vt., Part III., p. 130, and in Powers's Coos Country, pp. 137-141.

the close of the year 1765, the number of families in the new settlement amounted to sixteen. Before the arrival of Capt. Smith, Solomon Emmons and his wife had built a hut within the town limits, where they resided, although they "had not purchased the land, nor made any improvements with a view to a permanent settlement." * Windsor was granted by New York to David Stone 2d, and his associates, on the 7th of July, 1766. On the 2d of March, 1772, it was regranted by the same province to Zedekiah and David Stone, and their associates. A third and last grant of the township was made by New York to Nathan Stone, and twenty-two other grantees, on the 28th of March, 1772. The first settlers of the town regarded the Stones with high respect. Upright in character, they were fully entitled to be held in estimation. By their exertions and enterprise they increased the wealth and prosperity of Windsor, and rendered it at an early period one of the most flourishing and popular villages on the "Grants."

Pomfret, although chartered on the 8th of July, 1761, was not settled until the year 1770. Its original proprietors were sixty-six in number, of whom Isaac Dana was the principal person. Most of the proprietors were inhabitants of Pomfret, Connecticut. The name of Israel Putnam stands conspicuous in the list, but except as one of the grantees, he appears to have had no share in the settlement of the township.†

The township of Hartland was originally granted by New Hampshire to Samuel Hunt and his associates, by the name of Hertford, on the 10th of July, 1761. Its settlement was commenced in May, 1763, by Timothy Lull, who had been previously living at Dummerston. Having concluded to remove to Hertford, he purchased a log canoe, and taking with him his

* "Mrs. Emmons was the first, and for some time the only white woman who resided in the town." She was very useful to the early inhabitants, being for a long time the only midwife within many miles around. During the latter part of her life she was supported by the town. Her death occurred in the year 1833. To Samuel Smith, a son of Capt. Steele Smith, is accorded the privilege of primogeniture among the children born in Windsor. His birth took place July 2d, 1765. He died in 1842, aged seventy-seven years.—Thompson's Vt., Part III., p. 194. Appendix to Deming's Catalogue, p. 201.

† On the 3d of July, 1766, John Stark applied to Governor Moore of New York, for a grant of 3000 acres of land in the south-east corner of Pomfret. Accompanying his request was a certificate from Thomas Gage, signed September 6th, 1765, stating that Capt. John Stark served under Capt. Rogers during the war.—New York Colonial MSS., Land Papers, July 3d, 1766, vol. xxi.

family, which consisted of a wife and four children, and such furniture as they needed, paddled up Connecticut river. Arriving at the mouth of a certain stream in Hertford, he anchored his boat and landed his family. Taking then a junk bottle, he broke it in the presence of his wife and children, and named the stream Lull's Brook—the name by which it has ever since been known. Proceeding up the brook about a mile, he came to a deserted log-hut, situated near the place now called Sumner's village. Here he commenced a settlement. For many years he suffered privations and hardships, "but possessing a strong constitution and a vigorous mind, he overcame all obstacles, accumulated a handsome property, lived respected, and died generally lamented." His son Timothy was the first child born in the town.* The settlers who followed Mr. Lull were mostly emigrants from Massachusetts and Connecticut. In 1765, thirty was the number of the inhabitants in the town. On the 23d of July, 1766, the charter of the town was confirmed by New York to Oliver Willard, and the grantees associated with him. The first town meeting was held on the 11th of March, 1767. Much inconvenience having arisen from the similarity between the name of Hertford and that of Hartford the adjoining town, Hertford was, by an act of the Legislature of Vermont passed June 15th, 1782, altered to Hartland, which name is still retained.

Woodstock was established by charter from New Hampshire, on the 10th of July, 1761. The grantees were David Page, and sixty-one associates. On the 5th of September, 1766, a representation was made to the Colonial Assembly of New York, by Page and Jonathan Grout of Petersham, Massachusetts, by which it appeared that they, in company with a few of the original grantees, purchased of the rest ten thousand acres of land in Woodstock, soon after the charter was issued, and divided the purchase into lots. For these reasons they requested that the land might be confirmed to them by charter. The fate of this petition is not known, but on the 28th of February, 1771, New York granted the township to Oliver Willard and others, and a charter to this effect was issued on the 3d of June, 1772. The first settlement in the town was commenced by James Sanderson, who removed hither with his family in

* His birth took place in December, 1764, and on this occasion, "the midwife was drawn by the father from Charlestown, upon the ice, a distance of twenty-three miles, upon a handsled."—Thompson's Vt., Part III., p. 88.

the year 1768. In the year 1772, there were only forty-two inhabitants in the place.*

The charter of the town of Thetford was signed by Governor Benning Wentworth of New Hampshire, on the 12th of August, 1761. The first settlement within its borders was made by John Chamberlain, familiarly known as "Old Quail John," who removed hither from Hebron, Connecticut, in 1764. On the 13th of December in the same year, his daughter Susannah was born. This was the first birth in the town. During the year 1765, the Baldwin and Hosford families removed to Thetford. The town was organized on the 10th of May, 1768.†

To John Taylor and sixty-one associates, the charter of Sharon was issued by New Hampshire on the 17th of August, 1761. The settlement of the town was commenced by emigrants from Connecticut, in 1765. Robert Havens and his family were probably the first persons who spent the winter within its limits. But little is known concerning any of the pioneers who succeeded in planting a colony in this part of the New Hampshire Grants. In a civil point of view the right of primogeniture belongs to Elias Marsh, who was born on the 25th of March, 1768. The town was organized on the 8th of March in the same year.

In the year 1753, before the commencement of the French war, and eight years previous to the date of the charter of the town of Springfield, Daniel Sawtell, Jacob Sawtell, Oliver Sawtell, Combs House, Samuel Douglass, Oliver Farnsworth, Joseph Douglass, Noah Porter, Nathaniel Powers, Simeon Powers and Simeon Powers Jr., "being poor and indigent, and unable to purchase lands in any of the inhabited towns of his Majesty's provinces"—while the lands in said Springfield "lay in the open wilderness, waste and until'd, without yielding any revenue to his Majesty, or profits to his subjects"—"did, for his Majesty's profit," as well as for the support of themselves, their wives, and their children, "enter upon, till and improve part of the lands in said Springfield." During the war they

* In December, 1766, Lord Townshend and his associates petitioned Governor Moore of New York for a grant of the township of Woodstock by the name of Raynham Hall, promising to settle and cultivate it. The request appears to have been dismissed.—New York Colonial MSS., Land Papers, December, 1766, vol. xxii.

† A number of entertaining incidents relative to the early settlers of Thetford may be found in Powers's Coos Country, pp. 144-162.

defended their possessions "at the peril" of their own lives, and by the loss of the lives of some of their "friends and neighbours," and "were as a guard to those places," located further down the river, which "were exposed to the rage of an heathen and savage foe." After the reduction of Canada, and the defeat of their "Popish enemies," they renewed their labors with greater energy, and succeeded in establishing a prosperous and attractive settlement. The first charter of the town was issued under the seal of New Hampshire, on the 20th of August, 1761. In the same year John Kilburn purchased of the proprietors one right containing three hundred and sixty acres, and shortly after "did enter upon, clear, cultivate and till said lands, according to the conditions of the charter under which the lands were then held, and also erected thereon a dwelling-house." In 1762, Simon Stevens became an inhabitant of the town, and by his example and individual efforts, did much to alleviate the wants, and add to the happiness of the settlers.

The governors of New Hampshire and New York, in granting lands on the New Hampshire Grants, were not always actuated by the purest principles in the choice of grantees. In the case of the early settlers of Springfield, their conduct was especially worthy of reprobation. At the conclusion of the war, Daniel Sawtell and his associates petitioned Governor Wentworth for a patent of the lands which they had improved, or for "such part thereof as he should think fit." From some unaccountable reason, the Governor refused to assent to their request, and on the 20th of August, 1761, gave a charter of the whole township to Gideon Lyman and sixty-one associates. Not one of the original settlers was named in this instrument, and thus they were placed entirely at the mercy of men who were at liberty to dictate whatever terms they might deem most subservient to their own interests. "Without any regard to the great dangers and hard labour" which the early settlers had undergone in maintaining possession of, and preparing for cultivation the lands which they had so long considered their own, the New Hampshire grantees sued out writs of ejectment, and obtained judgments against them. Executions were then issued, their possessions were taken, they themselves were threatened with imprisonment in default of the payment of the costs and charges of the suits which had been decided against them, and their families were "thereby brought to distress and want." Meantime the decree of the King in Council,

dated July 20th, 1764, had declared the New Hampshire Grants to be within the province of New York. On this information the original settlers, in a petition dated November 13th, 1764, prayed Lieutenant-Governor Cadwallader Colden for a grant of Springfield, or in case this request was too great, that they might "be permitted still to inhabit those lands, and in some measure reap the benefit" of their past labor. In reply, the governor stated that he should "always be disposed to favour those who had settled and cultivated the lands, especially such as had been in possession for a considerable time." At the same time he informed them, that before proceeding further in the matter, he should be obliged to receive his Majesty's orders. Another petition was presented, on the 15th of August, 1765, by Nathaniel Powers and twenty-nine others, of whom a portion were the original settlers, asking a recognition of their rights, but, like the former, it met with a similar reception. A few days subsequent to the presentation of this last petition, Gideon Lyman and his associates informed the Governor of New York that the township of Springfield had been granted to them by New Hampshire. "In faith of this grant," said Lyman, "your petitioner and the other persons interested therein, have already made considerable improvements and settlements" in Springfield, "and are willing and desirous to complete the settlement thereof." These conflicting petitions seemed for a time to puzzle the Governor of New York, but in the event the grant of Springfield was confirmed to Gideon Lyman and his associates on the 16th of March, 1772.*

As to the organization of this town, little is definitely known. There are still extant two notifications for town meetings, from which the following information is derived. One is dated, "Province of New Hampshire," March 1st, 1764, and is signed by Samuel Scott, Simon Stevens, George Hall, Timothy Spencer, Taylor Spencer, and Abner Bisbee, inhabitants of Springfield. It is directed, "To Simon Stevens, Constable of Springfield and Province aforesaid," and requires him "In his Majesty's name" to "Notifie and warn y^e Freeholders and other Inhabitants of s^d Town that are Duely quallified by Law to Vote in Town Meetings, that they assemble and meet at y^e House of Joseph Littles in Springfield afores'd on Tuesday y^e

* N. Y. Colonial MSS., Land Papers, Nov. 13th, vol. xviii. 1764: vol. xix., Aug. 15th, Sept. 19th, 1765.

13th of this Instant, at 10 of y^e Clock in y^e forenoon." The object of the meeting is stated to be, "1st, to Choose a Moderator to govern s^d meeting—2dly, to choose Town Officers agreeable to Charter." At the foot of this paper is a note by the constable, declaring that he read the warrant in town meeting on "March y^e 13th," and on the back is an endorsement of the same date, showing that George Hall was chosen moderator, and that the meeting was then adjourned to the 26th of the same month. The other notification, similar in form, is dated July 13th, 1764, and is signed by Simon Stevens and Abner Bisbee. It is directed to Jehiel Simmons, and at the meeting to be held on the 22d current, the business to be attended to, is "1st, to Choose a Moderator to Govern said meeting—2dly, to see whether the Town will accept of the Roade, known by y^e name of Crownpoint Roade, which leads Through s^d Town—3dly, to see whether the Town will Repair said Roade." From these statements it may be reasonably concluded that the town was organized before the year 1764.*

The grantees of Weathersfield were principally from New Haven, Connecticut, and the charter of the township was issued by New Hampshire, on the 20th of August, 1761. From a report made by the proprietors of the town in September, 1765, it appeared that they had been "at great charge and expense in laying out the township into allotments," and further that they had cleared and cultivated a portion of the lands which they owned, and erected a number of houses. In a petition addressed to the Lieut.-Governor of New York, on the 17th of October, 1766, they expressed a sincere desire to be protected while engaged in accomplishing the work incident to the commencement of a settlement. Their pioneer history, were it known, would, it is probable, resemble that of the early inhabitants of most of the towns situated along the valley of Connecticut river. The colonizers of the New Hampshire Grants were men and women who were aware that their future lives were to be lives of toil and self-sacrifice, and for this reason they were prepared to grapple with adversity in whatever form it might appear. On the 8th of April, 1772, the town was regranted by the government of New York, to Gideon Lyman and his associates.

The township of Fairlee, which formerly included the towns

* Old MSS. in possession of Hon. William M. Pingry.

now known as Fairlee and West Fairlee, was chartered by patent from New Hampshire, on the 9th of September, 1761. Josiah Chauncey, Joseph Hubbard, and their associates, were the grantees. In the year 1766, a certain Mr. Baldwin, who before that time had been a resident of Thetford, removed to Fairlee, and commenced a settlement within the limits of the town. According to the account of Mr. Thompson, the author of the "Gazetteer of Vermont," Samuel Miller, Samuel Bentley, Noah Dewey, Joel White, and William and David Thompson, were inhabitants of the town in 1768. This statement is partially controverted by Grant Powers, on the authority of one of the early settlers of Orford, New Hampshire. The town was probably organized in 1775, when Samuel Smith was chosen town clerk.*

The charter of Guildhall was issued by the government of New Hampshire, on the 10th of October, 1761. The grantees were Elihu Hall and sixty-four associates. In 1764, a settlement was commenced in the lower part of the town, which was then supposed to be a part of Lunenburg, by David Page, Timothy Nash, and George Wheeler. In 1775, Enoch Hall, Micah Amy, and James Rosbrook became residents of the town. Eleazer Rosbrook and Samuel Page joined the little band of settlers in 1778, and in the following year David Hopkinson and Reuben and Simeon Howe were added to the number. "The first settlers," observes Thompson, "suffered severe privations and hardships for a number of years. They brought their grain and provisions, in canoes, from Northfield, Massachusetts, a distance of more than one hundred and fifty miles. During the revolutionary war, they were in continual alarm, and were frequently annoyed by the Indians and Tories, who killed their cattle, plundered their houses, and carried a number of the inhabitants into captivity." The first town meeting of which record is made, was held in March, 1785.

The town of Cavendish was chartered by the Governor of New Hampshire, on the 12th of October, 1761. The principal grantee was Amos Kimball. In the following year a number of the proprietors visited the township, surveyed it, allotted the shares in severalty, and, according to their own account, "were in great forwardness, when disputes arose," which caused them to abandon the undertaking. A disposition to renew this

* Thompson's Vt., Part III. pp. 70, 71. Powers's Coos Country, pp. 162, 163.

attempt was manifested in 1765; but no settlement was actually made until 1769, when, in the month of June, Captain John Coffein located his farm and built a dwelling in the north part of the town. During the war of the Revolution his hospitable residence afforded shelter and refreshment to the American soldiery while passing from Charlestown to the military posts on Lake Champlain. In the north-west part of the town was a similar stopping-place, known as the "Twenty miles encampment." Noadiah Russell and Thomas Gilbert settled in Caven-dish in 1771, and shared with Captain Coffein his wants and privations. "For several years they struggled hard for a scanty and precarious subsistence." So few were the mills at this period, that they were sometimes obliged to travel sixty miles to procure "the grinding of a single grist of corn." The town received a charter from New York, on the 16th of June, 1772.

On the 29th of December, 1760, soon after the conquest of Canada had been completed, a number of the inhabitants of Lebanon and of other towns in Connecticut decided to petition the Governor of New Hampshire, for a grant of land on the west bank of Connecticut river. Having assembled on the 12th of June, 1761, and obtained the names of those who wished to engage in the project, they chose a clerk, and a committee to regulate their mode of procedure. At a meeting held on the 7th of September following, they selected two men "to repair to that part of the country," in which they wished to obtain a grant of land, and instructed them, in case they should find a situation which they deemed acceptable, to make their wishes known to Governor Wentworth. A location having been selected, a charter was issued by New Hampshire, on the 13th of October, granting the township of Andover to Nathaniel House and his associates. In accordance with the charter, a meeting of the grantees was convened at Lebanon on the 4th of November following, and a clerk for the town and proprietors was chosen, "who was sworn to a faithful discharge of his duty." On the 10th of March, 1762, another meeting was held in the same place at the house of Joseph Clark, one of the grantees; and officers were chosen for the ensuing year. A committee were also selected to survey the town, and on the 25th of August a resolution was passed, instructing them to proceed with the business which had been assigned them. This they were able to perform only in part, "by reason of bad

weather;" but being instructed on the 8th of March, 1763, to complete the survey, they renewed their undertaking, and three hundred acres were laid out for each of the proprietors, "on the east side of the town, by carefully marking the trees at the corners." These lots were distributed on the 21st of November, by an indifferent person appointed by the proprietors, and an account was taken of the result. At the next regular meeting of the town, held on the 13th of March, 1764, officers were chosen for the year ensuing; "accounts were adjusted, and each person's demands carefully and justly allowed him for services done." On the 5th of November, a resolution was passed, by which an offer of fifty acres of land was made to each proprietor who should settle in the town during the spring of the year 1765. Pending this offer another meeting was held on the 12th of March, 1765, and a committee were chosen to mark out and clear a road to the town. Measures were accordingly taken to carry this proposition into execution, and a party of twenty persons had already made preparations to remove into the new township, when the publication of his Majesty's Order in Council, on the 20th of July, 1764, declaring the western bank of Connecticut river to be the eastern boundary of New York, caused them to abandon the project.

Judging it prudent "to consider what might further be needful to be done, to maintain good order and submission" in their changed circumstances, the proprietors met on the 29th of April, 1765. After some discussion they decided to acquaint the Governor of New York with the state of their circumstances, and ask for his "approbation and protection." In the memorial which they sent to Lieutenant-Governor Cadwallader Colden, dated at Lebanon, Connecticut, May 6th, 1765, in addition to the facts which have already been detailed, they stated that they had expended in improvements more than four hundred and sixty-two dollars, that they had "vendued and sold" several of the rights of negligent proprietors, and had inserted the names of new proprietors in the place of some of those whose names were to be found in the original charter from New Hampshire. "Therefore," said they, "if it be consistent with your pleasure to encourage us, his Majesty's Liege subjects, in the settlement of so wilderness a Land as that is, and grant us also your Protection, as there are many more under the Like Circumstances, it may much enlarge the Province,

and his Majesty's English settlements." "And we cannot but Rejoice," they continued, "when we so fully persuade ourselves that your Excellency's highest ambition is to strengthen and enlarge all our late acquisitions by Regular and Industrious Inhabitants; and when once you shall please to make your Pleasure known to us, we shall with all Readiness Comply therewith; and if it be your Pleasure to ratify to us those Lands we once supposed stood fair for us to settle, we shall undoubtedly soon (as some other Towns have Done) Make considerable Improvements thereon. But, notwithstanding our earnest wishes, we do Heartily and Freely submit the same to your Wisdom and Prudence." For a long time this petition remained unnoticed, and although the Council of New York, on the 15th of June, 1772, recommended the issuing of a confirmatory grant of this and several other townships, whenever "his Majesty's Instructions" should allow of such a course, yet the patent was never conferred.*

In the year 1768, Shubael Geer and Amos Babcock, with their families, became residents of the town. During their stay, which was short, William, son of Shubael Geer, was born. After the departure of these families no attempt to effect a settlement in Andover was made until after the commencement of the Revolution.

The charter of the township of Bradford was issued by Sir Henry Moore, Governor of New York, on the 7th of November, 1766. John French and his associates were named as the grantees in the patent. After the death of French, William Smith and his associates applied for a grant of the township and received a new charter on the 28th of March, 1770. At the same time the name of the town was changed to Mooretown, as a compliment to the governor. On the 23d of October, 1788, the name was again altered to Bradford by an act of the Legislature of Vermont. The first settlement within the limits of the town was made in 1765, before the first charter was issued, by John Hosmer or Osmer, who located his cabin near the mouth of Wait's river, on the north bank. During the following year Samuel Sleeper and Benoni Wright commenced a settlement near Connecticut river, about a mile and a half from the north bounds of the town. According to some

* N. Y. Colonial MSS., Land Papers, May 6th, 1765, vol. xviii. Doc. Hist. N. Y., iv. 786.

statements it would seem that there were but ten families in the town in 1771. In an account of the condition of Bradford, communicated to Governor Moore in 1770, it is stated that at that time the town contained thirty families. In the same account particular mention is made of "Sleeper's house," on Connecticut river. Andrew B. Peters became a resident of Bradford in 1771, and in the following year the first grist-mill was built by John Peters, on the south side of Wait's river. In consequence of the careless manner in which the lands in this township were surveyed and granted, much trouble and vexatious litigation arose. The history of many of the neighboring towns discloses similar disputes concerning boundary lines and conflicting grants. An account of proceedings of this nature, although it might prove entertaining to those curious in disentangling the intricacies of land titles, would not possess an interest sufficiently general for these narrative pages, and is therefore omitted.

Of the other towns comprised in the eastern section of Vermont, to which reference has not been made, none, it is believed, were settled before the year 1770, with the exception of Newbury.* The arrow-heads and domestic implements of a rude manufacture, which have been found within the limits of this town, afford conclusive evidence that it must have been at an early period the site of an Indian village. Gen. Jacob Bayley of Newbury, Massachusetts, was probably the first white settler. In a letter written by him from Newbury, Vermont, on the 3d of October, 1768, he remarked:—"Tis but seven years since I struck the first stroke here, at which time there was not one inhabitant on the river for seventy miles down, none eastward for sixty, none between us and Canada, and now almost all the Lands are settled and settling in almost every town on the east side of the river." It does not appear that Gen. Bailey was a resident of the town until 1764. In October of that year he brought his family to Newbury, and thenceforward until the time of his death, at the age of eighty-nine, in March, 1815, he devoted himself with cheerfulness and assiduity to the service not only of his adopted town but of his country.

* Attempts were doubtless made at an early period, to effect settlements north of Newbury. In 1766, Jonathan Grout of Petersham, Massachusetts, declared that he and his associates had cultivated lands in the town of Lunenburgh, which town, according to his statement, was "Thirty Miles Higher up Connecticut River than any other Settlement on Said River."

In March, 1762, Samuel Sleeper, a Quaker preacher from Hampton, New Hampshire, moved with his family into Newbury. He was in the employ of Gen. Bailey, and seems to have borne the character of a good citizen, until being unduly "moved by the spirit," he began to create disturbance by interrupting the minister while preaching, with laudatory and condemnatory exclamations. Various persuasive means were employed to induce him to alter his behavior, but without success. One of his followers, a certain Benoni Wright, was even more obstreperous than his master. Punishment was at last resorted to, and was followed by good effects. Wright received "ten lashes, well laid on." Sleeper was confined in a cellar, and when released, was informed that he would "receive thirty lashes in full tale" should he continue to exhibit his peculiar propensions. Finding that they could not enjoy the license to which they deemed themselves entitled, Wright and Sleeper removed to Bradford in 1766. Three other persons, with their families, came into the town from New Hampshire during the year 1762, namely, Thomas Chamberlain of Dunstable, Richard Chamberlain of Hinsdale, and John Hazleton of Hampstead.*

The charter of Newbury was issued by Governor Benning Wentworth of New Hampshire, on the 18th of March, 1763. The grantees were Jacob Bayley and seventy-four associates. The first meeting for the choice of town officers was held at Plaistow, New Hampshire, on the 13th of June, 1763. Jesse Johnson was chosen town clerk, Caleb Johnson, constable, and Jacob Kent, Benjamin Emerson, and John Hazen, selectmen. The proprietors, also, voted to unite with the inhabitants of Haverhill "in paying a preacher for the term of two or three months," during the following "fall or winter." The arrival of Noah White, Thomas Johnson, and Jacob Kent† in this year,

* Betsey, daughter of John Hazleton, was the first child born in the town. Her birth took place in 1763. In the same year was born the first male child, Jacob Bayley Chamberlain, son of Thomas Chamberlain. Agreeable to a promise of the original proprietor, that the mother of the first male child should be entitled to a bounty of one hundred acres of land, the premium was awarded to Mrs. Chamberlain. Betsey Hazleton "was the wife of the famous Nehemiah Lovewell, who bravely fought at Bunker Hill and other places." She died Nov. 19th, 1850, aged eighty-seven years.—Thompson's Vt., Part III. p. 124. Appendix to Deming's Catalogue, p. 165.

† Col. Jacob Kent was born at Chebacco, Mass., June 11th, 1726, and Mary White, his wife, was born at Plaistow, N. H., August 14th, 1736. Mrs. Kent survived her husband many years, and lived to a great age.—Powers's Coos Country, p. 50.

gave a new impetus to the settlement; James Abbott, John Taplin, Frye Bayley, and Ebenezer White, were also among the early settlers, and rendered valuable assistance in advancing the interests of the town. The first meeting in Newbury for the election of town officers, was held on the 12th of June, 1764. Jacob Kent was chosen town clerk, John Hazleton, constable, and Jacob Bayley, Jacob Kent, and James Abbott, selectmen. Through the instrumentality of the Rev. Peter Powers, of Hollis, New Hampshire, a church was organized in Newbury during the fall of 1764. On the 24th of January, 1765, Mr. Powers was solicited to "take the spiritual charge of this newly constituted church and society in the wilderness." He accepted the call on the 1st of February following, and on the 27th of the same month, preached his own installation sermon at Hollis, New Hampshire.

For the purpose of securing the title to the lands in the township of Newbury, Gen. Bayley obtained from Governor William Tryon of New York, a confirmation charter. By the terms of this instrument, which was dated March 17th, 1772, Bailey and twenty-four associates were constituted grantees in trust for the proprietors and settlers under the New Hampshire charter. The whole trust was afterwards assigned to Bailey, who gave a bond to deed the lands to those to whom they belonged.

With the cessation of French aggressions, Indian hostilities had now come to an end. The adventurer, as he paddled his canoe up Connecticut river, with his little stock of baggage and provisions, feared no longer the ambush on the shore; and the emigrant in his new home, lay down to sleep, feeling sure that no midnight foe was near to plunder and destroy. Inducements to settle in the new territory were, it is true, not as great as they had been represented by unprincipled speculators. The soil on the banks of the Connecticut was fertile, and the mountains were well wooded, but the climate was severe, and for many years nothing but a bare subsistence could be expected in return for the most painful toil. Still the men and women who left their homes in Massachusetts and Connecticut, to extend civilization and the arts of peace, knew well the nature of their undertaking. Though some quailed beneath the burdens which want compelled them to bear, there were but few who by reason of their sufferings relinquished their design, or who, from their own experience, warned their friends,

who were hesitating whether to join them or abide at home, to pursue the latter course.*

* New York Colonial MSS., in office Sec. State, N. Y., Land Papers, November 18th, 1764, May 7th, 1765, vol. xviii: August 15th, 17th, 23d, September 19th, 28th, 1765, vol. xix: October 9th, 28th, 30th, 31st, November 2d, 1765, February 3d, July 18th, 1766, vol. xx: June 25th, July 14th, 15th, 16th, September 5th, October 6th, 1766, vol. xxi: October 17th, November 3d, December 2d, 1766, vol. xxii. Council Minutes, in office Sec. State, N. Y., 1764-1772, October 7th, 1766, vol. xxix. Thompson's Vt. Gazetteer, ed. 1824, pp. 230, 260. Thompson's Vt., ed. 1842, Part III, pp. 3, 29, 47, 53, 74, 79, 80, 87, 88, 124, 130, 140, 142, 147, 150, 160, 171, 176, 194, 198. Appendix to Deming's Catalogue of Vt. Officers, pp. 135, 147, 151, 168, 173, Doc. Hist. N. Y., iv. 586. Powers's Coos Country, *passim*.

CHAPTER VI.

ORGANIZATION OF CUMBERLAND COUNTY

Early Boundaries of New York—Controversy concerning the New Hampshire Grants—Proclamations of Lieut.-Gov. Colden and Gov. Wentworth—Order in Council—"Unlimited County of Albany"—Proposals to establish Counties on the "Grants."—Additional Officers appointed in Albany County—Cumberland County established by Charter—Provisions of the Charter—Road Law—Bradford—Extravagant Grants by the Crown—Repeal of the Act establishing Cumberland County—Cumberland County re-established by Letters Patent from the King—Observations of Cadwallader Colden—Laws to prohibit the cutting of Mastig Timber—Conduct of Gov. John Wentworth, the Surveyor-General—Arrest of Willard Dean and William Dean Jr.—Arrest of Ebenezer Fisher—His Release—Voluntary Surrender of Capt. William Dean—Friendly Interference of Col. Samuel Wells and John Grout—The Deans imprisoned in New York—Gov. Wentworth's Letter and Memorial—Report of the Committee of the Provincial Council of New York.

WHILE New Netherland was a Dutch province, its northern limit had been placed at the river St. Lawrence, and the Fresh* river had washed its eastern boundaries. When Charles II. gave the province of New York to his brother James, its area included "all the land from the west side of Connecticut river, to the east side of Delaware bay." The governments of Massachusetts and Connecticut had in several instances encroached upon the territory claimed by New York, but the difficulties resulting from these trespasses had usually been amicably settled or at least temporarily adjusted. Never until now had there been an attempt to deprive New York, by systematized action, of rights and domains which she claimed as her own. As has been previously stated, Governor Wentworth of New Hampshire had, as early as 1750, made grants of land west of Connecticut river and north of the Massachusetts line. At the close of the French war he renewed the same course,

* Connecticut.

and pursued it with so much vigor, that at the end of the year 1763 he had, with but little show of discretion, divided almost the whole of the New Hampshire Grants into townships, and distributed them among flatterers, followers, and adventurers. In some cases the names of deserving men had appeared in the patents, but the proprietors were mainly speculators, who cared for little else than to sell at advanced prices the lands which they had obtained by gift.

The government of New York had for some time observed with dissatisfaction the course which Governor Wentworth was pursuing, and had to no purpose remonstrated against it. The time for more strenuous measures had now arrived. On the 28th of December, 1763, a proclamation was issued by Lieut.-Governor Cadwallader Colden of New York, declaring Connecticut river to be the eastern boundary of that province, and commanding "all judges, justices, and other civil officers" holding commissions under New York "to exercise jurisdiction in their respective functions, as far as to the banks of Connecticut river." He also enjoined the sheriff of Albany county, within whose shrievalty the district in question was comprised, to return to him the names of all persons "who under the grants of the government of New Hampshire" then held or should continue to hold possession of any lands west of Connecticut river, that they might be proceeded against according to law.*

Governor Wentworth, nowise intimidated by this manifest, which he termed "very extraordinary," published a counter-proclamation on the 13th of March, 1764, for the purpose of asserting the rights of New Hampshire, and encouraging those who had begun settlements under charters from that province, "to be industrious in clearing and cultivating their lands agreeable to their respective grants." In Governor Wentworth's commission from the King, dated July 3d, 1741, the southern boundary line of New Hampshire was described as extending west, "till it meets with our other governments." The western limits of Massachusetts and Connecticut were within twenty miles of Hudson river. These were the limits of his Majesty's "other governments," and Wentworth declared that it was

* Doc. Hist. N. Y., iv. 558-560. At the date of this proclamation, the inhabitants in the country between Lake Champlain and Connecticut river were "very few, and almost entirely confined to the townships of Hinsdale, Westminster, Bennington, and Rockingham."—MS. Deposition of Joseph Blanchard, March 1st, 1771.

right that the western extent of the province of New Hampshire should be as great. While making these statements, he was careful to omit an important explanation. By trespass, Massachusetts and Connecticut had stretched their limits far beyond the line assigned them by charter. But they had acknowledged the encroachment, and by treaties New York had ceded to them the lands over which they had attempted to usurp authority.

It was evident that neither of the governors would yield. Recourse was had to the King, and the whole subject was laid before him. By an Order in Council, dated July 20th, 1764, he declared "the western banks of the river Connecticut, from where it enters the province of the Massachusetts Bay, as far north as the forty-fifth degree of northern latitude, *to be* the boundary line between the said two provinces of New Hampshire and New York." This declaration was published on the 10th of April, 1765, by the Governor of New York. As to its import, it might seem that there could have been no difference of opinion. But the force of the infinitive was by no means definitive. "The government of New York supposed that the words *to be* gave the order a *retrospective* operation, and 'construed them as a declaration that the river always had been the eastern limits of New York; consequently that the grants made by the Governor of New Hampshire were invalid, and that the lands might be granted again.' On the contrary, the grantees under New Hampshire patents, understood these words in the future tense, as a declaration that the Connecticut river was *to be* from that time forward only, the line of division between the two provinces, and 'consequently that their grants being derived from the crown, through the medium of one of its governors, were valid.'" Thus arose a fresh dispute, which for ten years continued to excite litigation and animosity, unfavorable to the progress of humanity, and prejudicial to the settlement and civilization of the disputed territory. *

At the time when the Order in Council was promulgated by the proclamation of Governor Colden, the lands east of the Green Mountains and west of Connecticut river, notwithstanding the numerous grants of Governor Wentworth, were but little cultivated, and very sparsely inhabited. According to some

* Doc. Hist. N. Y. iv. 570-572, 574, 575. N. Y. Colonial MSS. in office Sec. State N. Y., Monckton and Colden, 1763, 1764, vol. xcii.; Colden and Moore, 1764-1766, vol. xciii. Belknap's Hist. N. H., ii. 315, 316.

accounts the whole number of families settled within those limits were not over sixty. Other statements raised this number to seventy, and one supposition was, that there might be a hundred. Nor were all these the families of original proprietors. Most of them were purchasers under some of the letters patent which had been issued by New Hampshire for very small considerations, and some were settlers under the squatter's title which had cost nothing.*

The whole of the New Hampshire Grants, although not added to, was supposed to be included within the limits of the "unlimited county of Albany," and the sheriff of that county was authorized to exercise his authority from the banks of Connecticut river to the shores of Lake Champlain. The courts were held in the city of Albany, and hither, or to the city of New York, all were obliged to resort who wished to transact business with the officers of government. Their remoteness from these places, was an inconvenience most sensibly felt by the new settlers. The county of Albany appeared to them unreasonably large, and in its division they foresaw relief from the difficulties under which they labored. To effect a change, recourse was had to petitions. The first presented to Lieutenant-Governor

* Joseph Blanchard, who, in the year 1765, numbered the inhabitants from Brattleborough to Hartford, declared that on the New Hampshire Grants, east of the Green Mountains, "there were not, on a large Computation above Sixty Families settled as Claimants" under grants from that province; "that these Inhabitants were scattered in Eleven Townships lying on Connecticut River, and in three Townships lying back of the River on the Southermost Part of the whole Tract," and that even in these townships, cultivation was but just beginning, Hinsdale, Brattleborough, Westminster, and Putney being excepted, where more advance had been made.—MS. deposition, March 1st, 1771.

The opinion of Simon Stevens, one of the members of the General Assembly of New Hampshire, was, that "there were not seventy families within the limits above described;" that these "were scattered in about a dozen townships" on Connecticut river, and that "the Chief of them" were in Brattleborough, Westminster, Putney, and Rockingham. The same views were also held by Samuel Wells of Brattleborough, one of the judges of the Inferior Court of Common Pleas, and one of his Majesty's justices of the peace for the county of Cumberland. Oliver Willard, an assistant judge in the court above named, and an inhabitant of the town of Hertford as early as 1763, stated that "the Proclamations by the Governments of New York and New Hampshire notifying his Majesty's Determination of the Boundary between those Governments, were very Publicly known" at the time of their publication; that there might then have been "about one hundred Families settled in all that Country Eastward of the Green Mountains, formerly claimed by New Hampshire," and that "those Inhabitants were scattered through about Twenty Tracts or Townships of about six miles square each, and principally along Connecticut River."—Doc. Hist. N. Y., iv. 698, 696, 697, 701.

Colden, was dated October 9th, 1765, and was signed by Thomas Chandler, Isaac Man, David Wooster, Daniel Jones, and Robert Harpur, "in behalf of themselves and their associates, inhabitants of the northern part" of the province of New York. They proposed that the "Grants" should be divided by a north and south line, which should follow the course of the ridge of the mountains; that two counties should be erected to the east of this line and three to the west; that the eastern counties should be divided by a line extending from the north-eastern corner of the township of Norwich to the line extending along the ridge of the mountains; that the most southern of the western counties should be bounded on the south by the northern line of Massachusetts extended as far west as the mouth of the Mohawk river at Half Moon, and on the north by a line drawn east from Fort Miller to the line of the mountains; that the middle county should adjoin the last mentioned county, and extend north to a line drawn from the north end of Lake George to the mountain line; that the other county should comprise all the land between the north line of the middle county and the forty-fifth parallel, and that the western limits of the three last mentioned counties should be left to the discretion of the governor. They further proposed that the lower county on Connecticut river should be called Colden, and that its county town, of the same name, should be located in the township of New Flamstead; that the upper county should be called Sterling, and that Newbury should be assigned as its county town, in the township of that name; that the southern county to the west of the Green mountains should be called Manchester, and that its county town should be located at Stillwater; that the middle county should be called Kingsbury, and that the county town should be situated in the township of Kingsbury; that the last county should be called Pitt, and that its county town should be fixed at Hospital Point on the east side of Lake Champlain, near Crown Point. Having detailed these propositions, they prayed that the counties and towns they had mentioned, might be established "under the restrictions appointed by his Majesty's instructions."*

This petition was on the 15th of October followed by another, in which the petitioners, in view of the unwillingness manifested

* MSS. Council Minutes, in office Sec. State N. Y., 1765-1788, xxvi. 22. Brattleborough Semi-Weekly Eagle, Thursday, September 27th, 1849. Doc. Hist. N. Y., iv. 578-580.

by the Council of New York to erect the five counties before proposed, expressed their readiness to withdraw that request. At the same time they did not fail to assert their belief in the necessity of "some establishment" by which vice might be detected, and the inhabitants protected in recovering their just dues. To effect these results, they desired that a county by the name of Colden might be erected, to be limited on the east by Connecticut river, on the west by "the height of land," on the north by the forty-fifth parallel, and on the south by the north line of the province of Massachusetts Bay. They further requested that the county town might be located at New Flammstead, and that the county might be vested with such privileges as it had been usual to grant in similar cases.*

On the 22d of October, a third attempt was made to draw the attention of the Council of New York to the wants of the new settlers. "It is now near six months," said the petitioners, "since to our knowledge, we became inhabitants of this province, and have been ever since without law. Notwithstanding we have made application to be protected, as yet we are not answered. Should we be annexed to the county of Albany, as proposed by some, we shall still lye under such a disadvantage that justice cannot be had, and to appoint justices in some few of the towns, without proper officers to execute warrants, &c., we humbly conceive will never answer y^e end; and in what way any officer (if they should be appointed) can execute his office, so far as to carry a delinquent to Albany, for our part we are at a loss [to determine], as there can be no passing from Connecticut river to Albany without going thro' the province of the Massachusetts Bay, and as soon as an officer gets across the line of the province, his office leaves him, and the delinquent makes his escape; and in what way any constables can be chosen to execute any small precept, &c., till the towns are incorporated, we must confess we cannot tell." Other arguments favoring the establishment of a new county were adduced, backed by urgent supplications for immediate action.

The committee to whom these applications had been made, unable longer to ignore the subject, submitted a report on the day in which this last petition was received. They declared that the accounts they had received had been "very contradictory

* MSS. Council Minutes in office Sec. State N. Y., 1765-1783, xxvi. 22. Brattleborough Semi-Weekly Eagle, Monday, October 1st, 1849. Doc Hist. N. Y., iv. 580, 581.

and unsatisfactory ;” that the inhabitants of that portion of the province held their lands, as yet, by an equitable title only ; that they were wholly “unacquainted with the laws of the province, and the modes of dispensing justice therein ;” that Portsmouth, the place to which they had previously resorted to attend the courts of justice, was at a greater distance than the city of Albany, and that should the committee “to suit a present convenience, advise the forming a part of the province so little known into a county, when it must shortly become expedient to new model it, private property would be greatly injured, by altering the seat of the courts of justice and other places of public resort.” For these reasons the committee reported adversely to a new county, but recommended the appointment of a “competent number of fit persons for the conservation of the peace, and the administration of justice in that part of the province.”*

In accordance with this suggestion, commissions were issued on the 20th of January, 1766, and twenty-one additional justices of the peace were appointed for the administration of the laws within the county of Albany. Of this number, Thomas Chandler, William Gilliland, Joseph Lord, Isaac Mann, Robert Harpur, Jacob Bayley, and Samuel Wells, were assigned of the Quorum,† and to all these newly commissioned officers, the sheriff and constables of Albany county were commanded to yield obedience. By an act of the British parliament which extended over the English colonies, all civil and military officers were required to take and subscribe their names to the oaths of allegiance, supremacy, and abjuration. Thomas Chandler, William Gilliland, and Isaac Mann, were empowered to tender and administer these oaths, and a *Dedimus Potestatem* confirmed to them this authority. At the request of Sir Henry Moore, Governor of New York, measures were taken to ascertain the number of men between Connecticut river and the Green Mountains capable of bearing arms. According to the report of Thomas Chandler, presented on the 20th of January, there were in the southern portion of that district about six hundred

* MSS. Council Minutes in office Sec. State, N. Y., 1765-1783, xxvi. 23. *Brattleborough Semi-Weekly Eagle*, Monday, October 1st, 1849 ; Thursday, October 4th, 1849. *Doc. Hist. N. Y.*, iv. 581-584.

† Four years previous, fifty-five justices had received commissions in Albany county. The whole number now, was seventy-six. In the same county fifteen persons had been previously appointed of the Quorum. The whole number was now twenty-two. The duties of these offices were also performed by the members of the Council and by the Attorney General.

men,* and in the northern portion about one half that number, answering to this description. A proposition was then made, that two regiments should be formed, and that the command of the southern one should be assigned to Thomas Chandler, and of the northern one, to Jacob Bayley. This suggestion, as far as it related to the southern regiment, was carried into effect, and military companies were formed in several towns. There is still extant a commission, signed by H. Moore, bearing date February 27th, 1766, appointing "Simon Stevens to be Captain of the Eighth Company of foot, in the Regiment of Militia whereof Thomas Chandler Esqr. is Col^o to Consist of the Inhabitants of Springfield," and the chirography in the commission is that of the Colonel himself. The nomination of civil officers in the northern part of Albany county having been confirmed by the Governor, a meeting of the justices of the peace and quorum, was called at Rockingham, on the 27th of February, at which time constables were appointed for five of the principal towns.† In this manner an attempt was made to preserve, at

* In a letter from Sir Henry Moore, Governor of New York, to the Earl of Shelburne, dated "Fort George, New York, 9th June, 1767," occur these words: "I afterwards issued out Commissions for forming a Militia in those parts, and in some months afterwards a return was made to me of the Regiment formed there, which amounted to upwards of six hundred men. I could not help expressing much satisfaction at seeing so large a Return, and expected to find that the number of families was in proportion to it, but the Officer who made it, would not impose on me, and told me in a very ingenuous manner, that a great number of Families concerned in those Lands, resided either in New England, New Hampshire, or Connecticut, and had never been upon them; that some of the most active young People out of each family were sent there to begin the Settlements, many of whom at the close of the summer returned to their Homes, while others more industrious, continued there in the Winter that by forwarding their improvements, they might more readily pave the way for those who did not choose to encounter all the difficulties of a New Settlement, but would rather wait till some improvements were made before they removed. The same steps could not be taken for the service of that part of the Country to the North of the County of Cumberland, for although the District was large enough to form a County of the same extent, very few Improvements had been made in any of the Townships except in that of Newbury."—Doc. Hist. N. Y., iv. 595.

In a passage preceding this extract, it is stated that the regiment in the new territory was formed after the establishment of the county of Cumberland. This is a mistake. The "Law for erecting the County of Cumberland," was passed July 8d, 1766. The commissions to officers in the new regiment were dated, some of them, as early as the preceding February.

† Nathan Earll was chosen constable for the town of Chester, Joel Stone for the town of Windsor, Abiel Chamberlain for the town of Newbury, Simon Stevens for the town of Springfield, and Medad Wright for the town of Westminster.—Pingry MS. Book of Commissions in office Sec. State, N. Y., 1751-1770,

least, the forms of justice. As the result of these measures, a better state of manners was observable in the new settlements.

Although the benefits resulting from the new system were not to be despised, yet many of the inconveniences before complained of still remained, nor did it appear that any of the means proposed could remove them, the formation of a new county excepted. As the road then ran, most of the inhabitants were distant from Albany one hundred and fifty, and some of them two hundred miles. In that city the courts and public elections were held, and thither it was absolutely necessary that a number of the settlers should annually resort. With difficulty could the sheriff of Albany county serve a process in the northern part of his bailiwick; and not without a guard of a dozen men, could he with safety convey a prisoner or a debtor through the woods and over the mountains to the jail at Albany. There were, it is true, civil and military officers in abundance in the new district, but the latter could not assist the former, even were their assistance needed, for the power of the former was not much regarded, and there were no places of confinement or means of punishment near at hand, as a terror to the evil-doers who might be arrested. Urged on by these potent considerations, a number of those who had formerly pleaded for a county, besought the Council of New York, on the 16th of June, for the same boon. On this occasion their request was seconded by the Governor, and the Council of New York responded favorably to the application. A portion of the New Hampshire Grants, situated between Connecticut river and the Green Mountains, was, on the 3d of July, erected into a county by the name of Cumberland, and its boundaries were duly established.* To the inhabitants

v. 812. Brattleborough Semi-Weekly Eagle, Monday, May 6th; Monday, May 27th, 1850. Doc. Hist. N. Y., iv. 586.

* The boundaries of Cumberland county, as first established, have been previously recited on pages 1, 2. In the act erecting the county of Cumberland, the following condition was inserted: "Provided always, and it is hereby enacted by the authority aforesaid, That if any lands lie within the County aforesaid, which are held by Grants under the Great Seal of the Colony of New Hampshire, by His Majesty in Council on the 20th day of July, 1764: such lands shall be and remain within, and be part of the County of Albany, anything herein contained to the contrary, notwithstanding." According to the terms of this proviso, the greater part of the territory comprised within the bounds of Cumberland county, would still have remained a part of the county of Albany.

were granted all the powers and privileges enjoyed by the other counties and towns in the province, excepting only the choice of members to represent the county in the Provincial Assembly, which privilege was withheld for the present.

In another portion of the act for the formation of the county of Cumberland, provision was made for the erection of a court-house and jail. The freeholders and inhabitants of the county were authorized to elect supervisors, assessors, collectors, a treasurer, and other county officers, in order that the "public and necessary charges" of the province might be defrayed, the poor maintained, and vagabondism discountenanced. At the meeting next after their appointment, the supervisors were directed to levy and collect of those residing or sojourning in the county, a sum not exceeding two hundred pounds, to be applied in constructing a court-house and jail. Chester, "being the most convenient" among the townships, and "nearest the centre" of the county, was selected as the location for these buildings, and the sheriff was ordered to compute mileage from the court-house. By another act, passed July 15th, the "judges and justices duly authorized in that behalf," were directed to hold "yearly and every year" in the township of Chester, a court of Common Pleas, to hear, and according to the laws of England and the province of New York, "to try and determine all suits, quarrels, controversies and differences," which might arise, in the technical language of the ordinance, between any of the "loving subjects" of the county, "above the value of forty shillings." A court of General Sessions of the Peace was also established, and the first Tuesday in June and the first Tuesday in November in each year were selected as the days on which these judicatories were to commence their sessions. The length of each term session was limited to four days, and the two courts were authorized to sit at the same time, in order that business might be "constantly proceeded in and all unnecessary attendance avoided." Competent men were selected as judges and assistant justices of the court of Common Pleas. Justices of the peace and other county officers were appointed, and a foundation was laid for administering the law in accordance with the most approved methods.*

* New York Colonial MSS., in office Sec. State, N. Y., 1766, 1767, xciv.; Book of Commissions, 1751-1770, v. 320; Council Minutes, 1765-1788, xvi. 61. Doc. Hist. N. Y., iv. 587, 588, 594. Brattleborough Semi-Weekly Eagle, Thursday, June 6th, Monday, June 10th, Thursday, June 13th, 1850.

To increase the facilities of communication between the different towns of the new county, the Legislature, on the 19th of December, passed an act "for laying out, regulating, and keeping in repair, common and public highways." By this act, the "freeholders and inhabitants" of the county, were authorized to choose at their annual town meetings, three freeholders in each town to serve as commissioners for laying out and regulating highways, and as many persons for surveyors and overseers of highways, as the majority of voters should deem best. Those chosen, were required to accept of the offices given them. To each overseer a portion of road was allotted, of which he was to have especial charge. The commissioners were empowered to construct such roads as they judged necessary, and in case of dispute as to the most convenient routes or the connection of roads between town and town, were instructed to call in three commissioners, one from each of the neighboring towns not interested, who were to determine where the road should run. If any road proved inconvenient, the commissioners of the town or towns through which it passed, were allowed to alter it or lay out another. The commissioners were not allowed to run a road through any person's land without his consent, and all disputes as to land damages were to be settled by certain fixed regulations which were detailed in the act. Any one who should "alter, stop up, or lessen" any road laid out by the commissioners, without their consent, forfeited forty shillings, to be applied by the surveyors towards repairing the roads. Public roads were not to be under two or over four rods in breadth. The breadth of private ones was fixed at twenty feet. Persons by or through whose lands public roads ran, were "obliged to clear and maintain the same, by cutting down the wood, clearing and stubbing up the brush," and "digging up the stones" that could be carried off, to the width of one rod. The limbs of the trees overhanging the road were also to be lopped and taken away.

The inhabitants of each town were required to work on the roads six days in the year, or for as long a time as was sufficient to keep them in repair. For each day's neglect of this service, a penalty of four shillings was incurred. In road work, "a carriage and a man to manage it," were deemed equal to three days' work of a single person. The fine for neglect when a man was ordered out with his team, was fixed at twelve shillings per diem. Workmen were obliged to furnish "spades,

axes, crows, and pick-axes," or such tools as the surveyors might direct. In making road repairs, permission was given to use the trees "standing on the roads." When a highway "from any town or plantation to any meadows, mills or common landing places," ran through any person's land or meadow, he was allowed, by the approval of the town commissioners or the "major part of them," to "place and hang good, easy-swinging gates, on such highways," and keep them in repair at his own cost. By other regulations, it was enacted that an account of the highways "laid out, altered or stopped up," should be certified by the commissioners and entered in the county records; that each commissioner should be allowed six shillings per diem, when engaged in official duties; that the surveyors should, within eight days after having received notice to that effect from a justice of the peace, warn the people to work on the roads, and that in case the surveyors should neglect to perform this duty, they should be mulcted forty shillings each. All fines were to be applied to the repair of the highways. The term of this act was limited to four years. The principles embodied in its paragraphs served as the foundation of the town regulations of this nature, which now obtain in the state of Vermont.*

The affairs of the new county having been satisfactorily arranged, Governor Moore directed his attention to the settlement of the adjacent country. With the approbation of the Provincial Council, a township was laid out for him and others associated with him, situated twelve miles distant from the north line of Cumberland county, "on a spot neither granted by New Hampshire, nor claimed by any persons."† He then announced his intention of giving the land comprised within this township to the families who would agree to colonize it, provided they would manufacture yearly a certain amount of potash, and plant a certain number of acres with hemp. On the fulfilment of these conditions, he declared that the fee of the land should be vested absolutely in the possessors. As soon as these terms were made known, applications were made by different persons for grants, and before the middle of the year 1767, fourteen families had settled in the new township,

* Act of 7th George III., in Laws N. Y., Van Schaack's ed. 1691-1773, pp. 487-490.

† Reference is undoubtedly had to the township of Bradford. A brief account of the early settlement of this place may be found on pages 123, 124.

and land had been allotted to ten other families in the city of New York, and to several persons in Connecticut and Massachusetts. At this stage of the undertaking, Governor Moore ordered a saw mill and a grist mill to be built for the use of the settlers, and a church to be erected, with a farm attached as a glebe for the minister who should occupy its pulpit. In aid of religion and education, a township was laid out and placed in the hands of trustees "for the use of the ministers of the gospel according to the communion of the Church of England," and another was set aside for the benefit of King's now Columbia College. While Governor Moore was in this manner studying to advance the interests of his subjects, many of them, who had formerly obtained land under New Hampshire titles, applied to him for confirmatory grants. These were in many instances bestowed, and the proprietors were quieted in their possessions by a secondary payment of fees. By the New Hampshire charters, a certain quantity of land in each township was reserved by Governor Wentworth for himself. These shares had in most instances remained uncultivated and unimproved. Care was now taken that this gubernatorial privilege should be no longer allowed, and the Governor's rights, as they were called, were by the confirmation charters of New York accorded to those who should clear and cultivate them.

Although it might have been supposed that the educated men in England, in the middle of the eighteenth century, would have been sufficiently acquainted with the topography of the English colonies in America, to have enabled them to speak and act with discrimination on matters pertaining to that subject, yet such was by no means the case. It was then customary for those occupying places of power and distinction, to apply to his Majesty for large grants of land in the colonies. These applications were generally received with favor, and the governors in the American colonies were then ordered to locate the amount of land which had been granted, in such places as the grantees might choose. By this mode of procedure, most extravagant demands were often made of the colonial governors, sanctioned by royal authority, and had these demands been in all cases satisfied, the result would have been pernicious in the extreme.*

* As instances of the manner in which lands were bestowed by the Crown, the following facts may be cited. On the 20th of September, 1765, "Walter Patterson in behalf of the Right Honorable Stephen Fox, Earl of Ilchester; the

Although the Council of New York judged themselves authorized to dispose of the territory between Connecticut river and Lake Champlain, they were still willing to hear the remonstrances which were frequently made by those in possession under New Hampshire grants. Various petitions had already been presented for tracts of land on the west side of Connecticut river, which had been previously granted in townships by the government of New Hampshire. The Council conceived that it would be improper to reply to these petitions, until they should be apprised of the interests which would be affected by the answer they might give. They therefore decreed, on the 12th of February, 1767, that all proceedings on the petitions which had been offered, should be suspended, "until the appearance before his Excellency in Council, of such principal proprietor or proprietors of each respective township duly authorized to sue out a grant for the same in behalf of all the persons interested therein, and sufficiently prepared to give the fullest information to the Board respecting the shares of the several claimants."*

Meantime, the act by which the county of Cumberland was established, had been, agreeable to the laws and statutes of England, "transmitted to his Majesty for his royal approbation or disallowance." Whether the act itself was informal, or whether the formation of a county without first consulting the home government was regarded as an encroachment on the kingly or parliamentary prerogative, does not appear. It is plain, however, that the conduct of the Governor and Council in this instance, was not viewed with favor. The lords of the Privy Council for plantation affairs reported adversely to the act, and pursuant to their advice, the King, on the 26th of June,

Right Honorable Henry Fox, Lord Holland; Charles Lee, Esq.; Clotworthy Upton and himself," petitioned Governor Henry Moore of New York, that the 20,000 acres of land which "His Majesty in Council" had been "graciously pleased to order to be granted to each of them in the Province of New York," might be located as follows:—20,000 acres in the townships of Fulham and Putney, 20,000 acres in the townships of Weathersfield and Windsor, 20,000 acres in the townships of Hertford and Hartford, 20,000 acres in the townships of Brattleborough and Guilford, 20,000 acres in the township of Fairlee, and between that and Newbury. Sir Henry Moore, who had lately been appointed Governor, did not arrive in New York until the 12th of November following, and Lieut.-Gov. Colden, in whose hands the administration of affairs was then placed, did not deem it expedient to obey the royal order, and the petition was laid aside.—N. Y. Colonial MSS., Land Papers, vol. xix.

* MS. Council Minutes, in office Sec. State, N. Y., vol. xxix. Doc. Hist. N. Y., iv. 588, 589.

declared it "void and of none effect." This decision was communicated to the Governor of New York, and by him was published to the inhabitants of the province, on the 3d of December following. This proceeding was shortly after followed by another equally unfavorable to the interests of New York. Owing to a number of representations which had been made by parties interested in the lands which had lately been declared to be part of that province, the committee of the Council for plantation affairs counselled the King to command the Governor of New York, by "the most positive orders," to desist from making any grants of that part of the territory lying west of Connecticut river, which had been chartered by Governor Wentworth. An order in Council to this effect was accordingly issued on the 24th of July, and his Majesty's "highest displeasure" was denounced against the Governor, in case he should fail to observe these instructions.*

When the repeal of the act by which the county of Cumberland had been established, became known, numerous applications, representing "the distress and great inconveniences" under which the inhabitants of that part of the country were laboring "through the want of a due administration of justice," were again made to Governor Moore, and relief was sought for in terms which could not well be denied. The subject was referred to the provincial Council, and as the result of their deliberations, the Governor was advised, on the 10th of February, 1768, to direct the Attorney-General to prepare a draft of an ordinance for erecting the lands which had been comprised within the former county, into another county of the same name. In accordance with the royal will, letters patent establishing the county of Cumberland were soon after presented to the Council, and after amendment were, on the 18th of March, ordered to be engrossed. To this instrument the "Great Seal" of the province of New York was affixed on the 19th, and the county of Cumberland was again a fact.† On the inhabitants were bestowed all the "powers, privileges, and immunities" enjoyed by the inhabitants of the other counties in the province, and permission was given them to erect at their own charge a court-house and jail to be located in the township of Chester, which being nearest to the centre of the county, was declared

* Doc. Hist. N. Y., iv. 608-611. MS. Council Minutes, in office Sec. State, N. Y., xxvi. 116; xxix. 250.

† The boundaries of Cumberland county under the second charter, have been previously recited on page 2.

to be "most convenient for that purpose." To carry out the provisions of the new charter, courts were established on the same basis as before; civil officers were nominated to manage the affairs of the county; and with the approbation of the Council of the province, commissions were issued on the 7th of April, to those who had been selected for office.*

During the first quarter of the eighteenth century, the attention of the Board of Trade in England had been particularly directed to the evil results which would be likely to follow in case the inhabitants of the province of New York should be inhibited in the use of certain kinds of timber which to them were of especial value. "One of the methods already thought of for making this province more useful as to naval stores," wrote the learned Cadwallader Colden, in the year 1723, "is a severe prohibition of cutting any white pines fit for masts. No doubt the destroying of so necessary a commodity ought to be prevented, and it would be difficult to frame a law for that end with many exceptions or limitations, which could be of much use. On the other hand, when the literal breach of the law becomes generally unavoidable, it must lose its force. The lands of this province are granted, upon condition that the grantee, within three years after the grant, effectually cultivate three acres for every fifty granted, and it will not be supposed that it is the intent of the law to put a stop to cultivating the land, which, however, cannot be done without destroying the timber that grows upon it. One at first is ready to fear that the poor planter is under a sad dilemma. If he does not cultivate, he cannot maintain his family, and he must lose his land; if he does cultivate, he cuts down trees, for which he is in danger of

* Book of Commissions, in office Sec. State, N. Y., 1751-1770, v. 363, 374: Council Minutes, 1765-1783, xxvi. 116, 118, 119. Laws of N. Y., 1768, p. 469. Doc. Hist. N. Y., iv. 611.

Little is known concerning the court and county records of Cumberland county before the year 1775. That there were such records, there can be no doubt. On a deed which is still extant, made by Thomas Chandler of Chester to Ebenezer Holton, is inscribed this technical endorsement: "Received for Record, January y^e 8th, 1770, and Recorded in the Records of Deeds for the County of Cumberland, Lib. A. Folio 79, and examined. John Chandler, Clerk." The Hon. Harry Hale of Chelsea, Vt., in a letter to the author, dated December 1st, 1852, conveys the following information on this subject:—"In 1838-4-5," he writes, "I was county clerk of Orange county, and recollect seeing some curious records of the old Cumberland county in the clerk's office, where they may, probably, now be found." Further enquiry has elicited no new facts on this subject, and it is doubtful whether the "curious records" are now in existence.

being undone by prosecution and fines. The inhabitants cannot build houses without pine for boards and covering, nor send vessels to sea without masts. It cannot surely be the intent of the Legislature to put the inhabitants under such extreme hardships by denying us necessary timber while we live in the midst of such forests as cannot in many ages be destroyed—and the more that the King for whose use these trees are reserved, does not, nor has not made use of one tree for many years in this province.

“But suppose,” continued this prudent adviser, “the people could be restrained from cutting any white pines, it will not answer the end for which it was designed, for if the King were to send people to cut down masts in the place where they grow, and to transport them to such places where they can be carried by water, the charge will amount to treble the sum they might be bought for at New York, if the carrying of them were left to the inhabitants themselves. The King in this case must have a great many hands and overseers in constant pay. He must buy horses, oxen and carriages, and maintain them or hire them after the most chargeable manner, whereas the country people carry these trees in the winter upon the snow and ice when they cannot labor in the ground, and are glad to make a little profit at any rate.”*

With such reasoning as this, did one in whose mind were ever uppermost the interests of the province of which he was a citizen, and over which he was subsequently stationed—with such reasoning as this, did he strive to hinder the passage of a law whose evil effects he plainly foresaw and correctly foretold. Notwithstanding these efforts, the restriction was promulgated, and became afterwards a favorite measure in the short-sighted policy of the home government towards the American colonies. In the charters which were subsequently issued by Governor Wentworth of New Hampshire, in the King's name, granting by townships the land lying between Connecticut river and Lake Champlain, a special condition was inserted, by which “all white and other pine trees” fit for masting the royal navy, were to be “carefully preserved for that use,” and none were to be “cut or felled” without special license. In case of disobedience, the right which the grantee might have in the township where the offence was committed, was to revert to the King, and the offender was also declared “subject to the penalty of

* Doc. Hist. N. Y., I 719, 720.

any act or acts of Parliament" which were then or might thereafter be enacted. A similar clause was inserted in the confirmation and other charters which were afterwards issued by the province of New York. To the "Surveyor-General of his Majesty's Woods" was entrusted the enforcement of this restriction, and the prosecution of those who should disobey it.

In answer to the proclamation of Lieutenant-Governor Colden, issued on the 28th of December, 1763, asserting the right of New York to jurisdiction as far eastward as Connecticut river, founded on the grant of Charles II. to the Duke of York, Governor Wentworth, as has been before stated, had published a counter-proclamation, on the 13th of March, 1764, declaring that the grant to the Duke of York was obsolete, and that the western bounds of New Hampshire were co-extensive with those of Massachusetts and Connecticut. When by a special Order in Council, under date of July 20th, 1764, the title of the Duke of York was confirmed, and Connecticut river was fixed as the dividing line between New York and New Hampshire, Wentworth, in his gubernatorial capacity, submitted to the decision. In his private conduct, however, he showed especial favor to those who still acknowledged the jurisdiction of New Hampshire over the "Grants," as the territory west of the Connecticut was called. John Wentworth, who, on the 11th of August, 1766, succeeded his uncle, Benning Wentworth, as Governor of New Hampshire, succeeded him also in the office of "Surveyor-General of His Majesty's Woods in all and singular His Majesty's Colonies and Plantations in North America." The former Governor, as Surveyor-General, "had been charged with neglect of duty, and with indulging his deputies in selling and wasting the King's timber." The new Governor, unwilling to incur a similar imputation, determined to pursue a different course. For the purpose of becoming acquainted with the condition of the wooded land, with the care of which he as surveyor was charged, "he frequently traversed the forests," and thus obtained the information which he needed, by personal examination. But the spirit of malice which had actuated the uncle in his conduct towards those settlers on the "Grants" who acknowledged the jurisdiction of New York, was not wanting to the nephew. The proof of this will hereafter appear.*

* Doc. Hist. N. Y., iv. 558-560, 570-572, 574, 575. Belknap's Hist. N. H., ii. 337, 338, 345. Thompson's Vt., Part II. p. 224.

The township of Windsor had received its first charter from the province of New Hampshire, on the 6th of July, 1761. After the passage of the order in Council of July 20th, 1764, another charter had been granted by New York, on the 7th of July, 1766, and with it eight hundred acres of land additional. Although the second patent had been bestowed on the motion of some of the most influential citizens in the place, yet many of the inhabitants were opposed to the jurisdiction of New York, and denied the authority of the courts which were afterwards established by that province. In this township, situated on the west side of Connecticut river, and in the township of Cornish, situated on the opposite bank, there were growing, in the year 1768, the finest forests of white pine trees to be found on the borders of that stream. The owners of the land whereon these forests grew, being for the most part friendly to the jurisdiction of New Hampshire and opposed to that of New York, found it easy to obtain from the Surveyor-General or his deputies, certificates permitting them to fell certain trees "unfit for his Majesty's service," and to appropriate them to their own use. Thus were they busy, day after day, in cutting and putting into the river, timber which was afterwards to be floated to the most convenient markets. Among those who refused to join with their neighbors in denying the authority of New York, were Capt. William Dean and his sons, Willard Dean and William Dean Jr. Wishing to procure some pine timber, not reserved by law, and observing with what ease certificates were obtained, Capt. Dean applied to Daniel Jones, a justice of the peace, residing at Hinsdale, New Hampshire, Benjamin Whiting of Newbury, and others of the Surveyor-General's deputies, to survey some trees for him and give him a permit to cut such as they might deem unfit for his Majesty's service. These applications were in all cases accompanied by the customary offering of fourteen shillings, proclamation money, per diem.

After vain solicitations on the part of Capt. Dean, at various times during four months, for a written permission, Whiting gave him verbal leave to cut such white pines as were unfit for the King's use. Dissatisfied with this license, Capt. Dean repaired to Governor Wentworth, the Surveyor-General, informed him of the efforts he had made to procure a proper certificate from the deputy surveyors, and of the ill success he had met with, and desired that a special deputy might be appointed to make the necessary examination and grant his lawful request.

Whiting, who was present on this occasion, promised Capt. Dean in the presence of the Governor, that he would survey the timber for which he had applied, and give him a certificate within a fortnight from that time, specifying the trees which he might deem unfit for the King's use. On returning home, Capt. Dean found that his sons, in consequence of the verbal license obtained from Whiting, had felled seventeen trees, much inferior in size to many which had been cut by his neighbors, and to all appearance unsuited for naval purposes. Information of this circumstance having been carried to Governor Wentworth, he immediately set out for Windsor, for the purpose of punishing the Deans. On his way thither, "he rode through a pine forest in Cornish and dined in the midst thereof at the house of Samuel Chase, Esq., and must thereby have had a view of the notorious destruction of the same, as the pines, felled, lay on the ground on each side of the road, and around for many acres." Still these sights did not withdraw his attention from the end which he had proposed. The friendship of the Deans towards the government of New York was to him a graver offence than that suggested by the evidences of destruction which surrounded him, and the opportunity of satisfying a grudge by the use of apparently legal means, was too good to be postponed to causes which should have demanded his most serious attention.

A prosecution for "trespassing against his Majesty by cutting, felling, and destroying many white pine trees" on lands in Windsor, was commenced against the Deans in the court of Vice-Admiralty for the province of New York. Writs were granted by the Hon. Richard Morris, Judge of the Vice-Admiralty, and were placed for execution by Thomas Ludlow, Provost Marshal in the same judicatory, in the hands of Whiting, who at the same time was made Deputy Marshal. Armed with the authority of the law, and a brace of pistols, Whiting, on the 29th of August, 1769, entered the dwelling-house of Capt. Dean, who was at that time at Springfield, Massachusetts, and without any opposition arrested his two sons. On the evening of the same day he delivered the prisoners to the care of his assistants, Benjamin Wait and Samuel Patrick, whom he supplied with pistols and ammunition; and having commanded them to fire on the prisoners if they should endeavor to escape, or take advantage of any attempted rescue, he departed. Wait and Patrick remained on guard until the next morning, when the former delivered his pistol to James Rosebrook.

During the day, while the prisoners were preparing for their journey to New York where they were ordered to appear for trial, they were watched by Patrick and Rosebrook. Towards evening, Solomon Emmons and David Getchel made their appearance, and informed the last mentioned keepers, that by the order of Israel Curtis, a justice of the peace, they had come to stand guard during the night. The pistols were accordingly delivered to Emmons and Getchel, with orders to fire as before.

On the morning of the 31st, as William Dean Jr. was standing in the outer doorway of his house, in which he had for two days been a prisoner, Israel Curtis came up. Dean desired him not to enter. Curtis, upon this, seized Dean, and pushing him a considerable distance, vociferated, "You blockhead, you rascal, how dare you bid me not to come into your house? Don't you know that I am a justice of the peace? I have a right to break into your house and break all the locks that are in it, and have a right to pull your house down over your head, and by the living God, I will make you know it in less than one month." Thereupon, Curtis took the pistols from the guards, and gave them to Enoch Judd and Elnathan Strong, with orders to fire the prisoners through, or "break their bones with clubs" should they attempt to escape. Terrified by such language and commands, Mrs. Dean, the wife of the prisoner, "fell into a fit," from which she did not recover for several hours. A little before noon of the same day, Whiting came again to the house, and having placed the prisoners in the care of Wait and Rosebrook, ordered the party to proceed to Hinsdale on their way to the city of New York. This order they obeyed.

On the evening of September 1st, the guards with their prisoners having reached Westminster, were there met, at the inn of Ephraim Ranney, by one John Grout, an attorney-at-law in Cumberland county. Having been informed by the Deans of the misery of their condition, of the ill usage they had received, and of the restraint under which they had been kept, Grout asked the guards whether the prisoners had behaved improperly or shown a disposition to escape. Being answered in the negative, he declared that prisoners ought not to be carried under the "terror of death," nor "threatened with beating," provided they conducted with decorum while in custody, and were submissive to their keepers; that Whiting

was much at fault, in suffering the prisoners to be treated in such a barbarous manner; and that they, the prisoners, had the right, should they choose to exercise it, of bringing an action against the guards for abusing the privileges of their office. The conversation being renewed on the morning of September 2d, Grout asserted that prisoners taken on a mesne process, "ought not to be carried to prison under terror of fire-arms, and that in case they should attempt to escape, their keepers would have no right to kill them, or to disable them by firing on them." He then asked the Deans whether they would promise not to make any attempt to escape. To this question they replied affirmatively. He then endeavored by threats and promises to persuade the guards to unload their pistols. In this attempt he succeeded, but was unable to make them burn their ammunition. He also counselled the guards to treat the prisoners with kindness, and the prisoners to be obedient to their keepers, and by no means to attempt to escape. The prisoners, who were almost destitute of money, requested Grout to repair to Springfield, Massachusetts, and obtain for them pecuniary assistance from their father. Having accepted the commission he soon after started on his journey. The guards with their prisoners were not long in following, and on arriving at Hinsdale in the evening, were rejoined by Grout, who had arrived before them.

While Wait and Rosebrook were engaged in conducting their prisoners from Windsor to Hinsdale, Whiting, on information presented to Governor Wentworth by Daniel Jones, a deputy surveyor, had, with the assistance of Amos Tute, one of the coroners of Cumberland county, arrested Ebenezer Fisher of Brattleborough, on Saturday, September 2d, charged with the same offence which had been imputed to the Deans. On the evening of the same day, Whiting went with his prisoner to the house of Samuel Wells, who resided in Brattleborough, and who was one of the judges of the inferior court of Common Pleas. Having informed him of the arrests he had made on process from the court of Vice-Admiralty, he told him that he should expect his aid as a magistrate, provided there should be occasion for it. In reply, Wells expressed his dislike to the proceedings, and said that they were "spiteful or malicious actions," and were owing to Governor Wentworth's dislike to the people on the west side of the Connecticut. Continuing the conversation, Wells asked Whiting by which way he intended

to carry his prisoners to New York; whether through Massachusetts and Connecticut, or through the woods to Albany. Whiting made answer that he was undecided as to the route he should pursue, and remarked that Jones and Grout had told him, that by the laws of Massachusetts there were regulations by which officers of other governments could convey prisoners through that province, if necessary. Wells replied that he knew of no such regulations, but if there were any such, he should advise him to go by that way, as the travelling would be much easier than by the road through the woods to Albany, which was but little travelled, and for a part of which a guide would be indispensable. Having learned on whose information Fisher had been arrested, and Fisher having stated that he had taken only such trees as had been blown down years before, and such as were partly decayed, Wells told Whiting that he was inclined to believe the prisoner's statement, as he knew of his having such logs in his possession, and that he had brought none other than such to his saw-mill. He added, moreover, that the conduct of Jones appeared to him "malicious and vexatious." Whiting then observed that he had no power to release Fisher, but that Jones probably had; and desired Wells to meet him and Jones at the house of Amos Tute in Hinsdale,* on the Monday following, for the purpose of consulting in reference to the prisoner's enlargement. To this proposition Wells assented.

In connection with the conversation above detailed, Wells asked Whiting whether he had any means of procuring the attendance of witnesses, and who the witnesses were. Whiting answered that he had with him blank subpoenas, which he should fill up with the names of those who could prove what was alledged against the prisoners, and serve. According to the terms of these subpoenas, witnesses were required to obey the directions they contained under the penalty of one hundred pounds. This representation having given rise to debate, Wells read from Jacob's Law Dictionary under the title Subpoena, to the effect that the penalty was inserted "*in terrorem*," and was not recoverable of the witness in case he should not attend agreeable to the summons. It further appeared in the course of conversation, that the witnesses, although commanded to appear in the city of New York, were to receive but two or three

* Now Vernon.

shillings to compensate them for their loss of time, and defray the expenses of their journey.

At the close of this conference, Whiting proceeded to Hinsdale, where he found Grout in consultation with the Deans, who with their keepers had that day come from Westminster. Turning to Whiting, Grout endeavored to persuade him to go with his prisoners through the provinces of Massachusetts and Connecticut. In support of this advice he mentioned the difficulties which beset the way through the mountains to Albany, the excellence of the other route, the license contained in the laws of Massachusetts and Connecticut, allowing officers of other jurisdictions to convey prisoners through those provinces, and the legal right which the guards would have, should they adopt the course recommended, to require the assistance of the people of the county through which they might be passing, in case an attempt should be made to rescue the prisoners. Wait then told Whiting that Grout had said at Westminster that he, meaning Whiting, "had no right to carry fire-arms when he had any prisoner in his custody." Upon hearing this statement, Grout not only acknowledged it as his own, but reiterated it, and added that he would make Whiting comprehend its meaning.

On Sunday morning, September 3d, Whiting informed Grout that he intended to set out for Albany with his prisoners, on the Tuesday following, by the way of the woods. Grout in reply acquainted Whiting with his business at Springfield, and desired him to tarry at Hinsdale until his return, which he fixed on Tuesday night. Whiting made no promise, and Grout soon after set out on his journey down the river.

Early on the morning of the 4th, by previous agreement, Wells repaired to Hinsdale and there met Whiting and Fisher. As the object of this meeting was to consult with Jones, the deputy-surveyor, in regard to the release of Fisher, and as Jones resided on the opposite side of the river, Whiting, in company with Major John Arms, the High Sheriff of the county, crossed over to find him. During their absence, Wells took the prisoners into an adjoining orchard and engaged them in conversation. Meantime, Wait observed the whole proceeding, as he stood before the door of the house where his party were lodged. The interview being ended, Wells inquired of Wait concerning the route by which he supposed the prisoners would be conveyed to New York. On being told that they would probably be taken across the mountains, he remarked that it would be easier

to go down the river, as they would thus gain the advantage of "a good road all the way." Wait then remarked that Whiting had not decided when he left Windsor, upon the course he should pursue in travelling. Wells answered, that if Whiting had decided to pass through Massachusetts, and Grout had known of it before his departure, he would probably have lain in wait at Springfield and rescued the prisoners. Such a transaction Wait declared would only have created trouble and increased the costs of the trial, as the prisoners would have been pursued and again arrested. By this time Whiting and Arms had returned. Satisfactory explanations having been given, Fisher was by Jones's direction released, and allowed to depart without any recognizance. Wells then repeated, in substance, to Whiting what he had before said to Wait in reference to the intended journey, telling him among other things, "that he would never get across the woods, and had much better go down the river where he could go in a canoe or have a good road all the way." He however advised him, in case he should go by the mountain road, to get one Stockwell for a pilot, who, he said, was reputed to know the way well.

On the afternoon of the 5th, which was Tuesday, Whiting and his party started on their journey. At the time of their departure Grout was still absent. On their way through Brattleborough they met Sheriff Arms at Wells's saw-mill, which was situated beside the highway, and from him received an invitation to stop at his house when they should reach it, and take some refreshment. On arriving at his house, a dinner was provided for them, and on sitting down at the table, they discovered that Wells and Daniel Whipple were also guests of Major Arms. During the repast, Wells sent to his house for rum, "and having made some liquor they all drank and conversed freely together." At the request of Whiting, Wells advised the prisoners, as they had but little money with them, to give Whiting an obligation under their hands, for the repayment of what he should expend for them on the road. To this proposal they agreed, and Wells having written the obligation, they executed it. As conversation became less restrained, owing in part to the excellence of the "liquor," Wells told Whiting that had he gone through Massachusetts, he thought Grout would have arrested him on behalf of his prisoners for false imprisonment, and that the prisoners would have been set at liberty. In the same manner, others of the company bantered him, until growing

angry, he intimated that Wells had sent Grout on his errand to Springfield, told him "he was a pretty devil of a judge to attempt to serve him in that manner," and further declared, that it was his duty as a magistrate, "rather to assist an officer with prisoners, than to try to lead him into a snare." To these uncourteous remarks Wells replied, "that, so far from leading him into a snare, he never knew that Grout had gone to Massachusetts, until Whiting had so informed him." "Had I sent Grout to Springfield," said he, "do you think I would have advised you not to go that way?" Changing his tone, he declared that the arrest of the Deans was "but a bad or a spiteful action," that he was determined to assist them to the extent of his power, and intimated his regret that he was not able to set them free. Whiting seemed satisfied with the former part of this explanation, and, the dinner being ended, requested Wells to accompany him two or three miles and show him the road to Albany, with which request he complied. As they were proceeding on their journey, the prisoners on foot being unable to keep pace with Whiting who was on horseback, were told by him, that unless they travelled faster, he would fasten them together with ropes or straps, and throwing them across his horse would carry them in that way, or would tie them to the animal's tail in order that they might learn the proper step. Wells then counselled them to make as much haste as they could conveniently, to be obedient to their guards, and by no means to attempt an escape. With this advice they promised to comply. Before parting, Whiting remarked to Wells that his advice had caused the prisoners to walk much faster, and thanked him for all the favors he had shown him.

Whiting conveyed his prisoners that day as far as Marlborough, and obtained lodgings at a kind of a half inn kept by one Stowell. During the night, the small log-house which they occupied was beset by a body of men from Brattleborough and Guilford, who broke into the lower part and behaved in a very riotous manner, swearing they would release the Deans or pull down the building, and at the same time uttering many violent threats against Whiting. This tumult was owing to the language which Whiting had used to his prisoners in the presence of Wells, and which Wells had reported on his return home. When the mob had been informed that the Deans had not been treated with the violence which had been threatened, they made no further trouble.

On the morning of the 6th, Wells, who had received a message from Sheriff Arms, announcing the tumult of the preceding night, immediately mounted his horse, and with the sheriff rode to the place where Whiting and his party had lodged. Being assured that the people had dispersed without committing any acts of violence, and having collected such information as suited their magisterial purposes, they returned. Warrants were soon after issued for the arrest of the three principal leaders, and two of them having been taken, were bound by recognizance to appear at the next general session of the county court. Wells declared openly that those engaged in the disturbance ought to be severely punished, and that he would do all within his power to bring the guilty ones to justice.

Grout, who had left Hinsdale on Sunday morning, arrived at Springfield the next day, and informed Capt. Dean of what had befallen his two sons, of their extreme destitution, and of the determination of Whiting to leave with them for New York by the way of the woods on the noon of the following Tuesday. On account of a cause depending before the inferior court of Common Pleas then sitting at Springfield, to which Dean was obliged to attend, he was not able to reach Hinsdale until Tuesday night. Finding that Whiting had left with the prisoners, Dean proceeded to Brattleborough, where on Wednesday morning he saw Wells. Understanding by him and others, that the process issued from the court of Admiralty was against him as well as his sons, he, by Wells's advice, set out for New York to surrender himself to the Marshal, and take trial with his sons. When within about thirty miles of that city, he overtook Whiting, who placed him in custody, and on arriving at the place of destination, lodged him and his sons in jail.

On the application of Capt. Dean and his sons, James Duane of the city of New York, who believed the prosecution to be hard and unjust, undertook their defence as Proctor in the Vice-Admiralty court. Being of opinion that they could not be held to bail on such a prosecution, he moved that they should be discharged on entering their appearance. This motion the court overruled, and ordered them to be held to bail in a large sum. Not being fortunate enough to procure the specified bail, they were imprisoned. Finding that they should be utterly unable to pay the expenses of a trial, they petitioned the judge of Admiralty to give judgment against them, which

was done. Being equally unable to pay the fines and costs which were imposed on them as the result of their default, they were recommitted to prison, where they remained for several months. During this time, as the little money they had brought with them, and received from the sale of their horses, was expended, and as they had no means of purchasing food, they desired Duane to intercede with the judge of the Admiralty in their behalf, and by his order to procure for them an allowance of bread and water, to which they were entitled as prisoners at the suit of the Crown. The judge having declared that he had no right to direct such a supply, Capt. Dean entered into negotiations with his friend Wells for the sale of his effects on his farm at Windsor, in order to raise money therefrom for the support of himself and his sons. In answer to Wells, who consulted with him on the subject, Duane expressed his approbation of the act as one that was both legal and philanthropic. That no disadvantage through misrepresentation or otherwise, might attach to Wells on account of the share which he would bear in the transaction, Duane waited upon the judge of the Admiralty, and laid the whole matter before him. The judge made no objection to the proceedings, nor did he in any manner evince his dislike thereto. In consequence of this information, Capt. Dean, on the 14th of November, pending the suit, gave Wells a bill of sale of all his household goods and personal estate, the proceeds from which enabled him to support himself and his sons in prison. When the trial came on, the judge having decided that the defendants had been guilty of the charges alledged against them, and therefore had incurred the penalties of the statute in that case provided, directed an execution against their goods and chattels, but these having been previously alienated to Wells, the recovery of the penalties was rendered impossible.

While matters were in this condition, Governor Wentworth, on the 10th of February, 1770, wrote to Lieutenant-Governor Colden, condemning in strong terms Wells's conduct. After summing up his misdemeanors, he concluded on that subject in these words: "Attempting to mislead an officer, countenancing open, daring trespassers, and aiding in throwing the charge of their prosecution on the Crown, are so heinous in any subject, but in a judge so highly ruinous and dishonorable to the service, that I think it my duty to the king, herein again to assure you, that every public mischief must result to the department of

Surveyor of Woods, if Mr. Wells cloath'd with the power and influence of magistracy, may still be an example of counteracting and frustrating such useful and essential laws with impunity." The remainder of the letter was occupied with eulogiums on the "just, legal, and impartial administration of the court of Vice-Admiralty," regrets at the unhappy state of feeling then existing among the inhabitants of the New Hampshire Grants, and promises of assistance in supporting law and order.

Accompanying this communication was a memorial of the same date from Governor Wentworth as Surveyor-General to Lieutenant-Governor Colden and the Council. In defence of the proposal which was to follow, he declared that by "the express terms" of the charters issued "under the public seal of New Hampshire," lands were to revert to the king, "with right of re-entry" when those who held them were guilty of cutting the pine trees with which they abounded, without first obtaining a license. In conformity with this stipulation, he desired that the lands in Windsor where the trespass had been committed, might be taken from the Deans and escheated to the king. He further remarked, that by such a course the laws for the preservation of his Majesty's masting timber would be more effectually enforced. If other measures, he added in conclusion, shall be pursued, "that penalty of the statute which was wisely formed, and which by the experience of nearly half a century has in other provinces been found effectual," will be eluded and defied.

These documents having been read before the Council of New York on the 14th of March, an answer to that portion of them in which Wells was charged with misconduct, in advancing money on the personal effects of the Deans, was deemed just and proper. Governor Wentworth was in consequence informed on the 21st of March, "that the persons who assigned the goods were then in prison; that having no means of subsistence, Mr. Duane, their counsel at law, advised the assignment of the goods as necessary for their support, which were of small value, and were sold to Mr. Wells, and the monies applyed accordingly; that Mr. Wells declined taking the goods, until Mr. Duane assured him he might do it with safety; and that his acceptance of the goods was therefore rather to be considered as an act of humanity, than prejudicial to the Crown."

On the 14th of August, a committee consisting of William

Smith, Henry Cruger, and Henry White, were appointed by an order of the Governor and Council of the province of New York, to consider the letter and memorial of Governor Wentworth, and the accompanying documents. In answer to the first charge brought against Mr. Wells, namely, that he endeavored to frustrate the arrest of certain persons lawfully prosecuted, the committee, after examining his own declaration and the depositions of a number of witnesses, replied in these words:—"We cannot see sufficient cause to advise, either a removal of Mr. Wells from the places he holds, or any prosecution against an officer, who we are informed sustains a fair character, even in a district where there are not wanting some persons, to whom, from their attachment to the unjustifiable claim of the province of New Hampshire, and his zeal in asserting the right and jurisdiction of this colony, he must be peculiarly obnoxious." To the other charge alledged against Mr. Wells, namely, that he had taken a conveyance of the effects of the offenders, pending the suit, to prevent a recovery of the penalty which they had incurred, the committee made answer, that "parties prosecuted, had by law a right to convey away their effects, and Mr. Wells's acceptance of the grant, with the caution, and in the circumstances, and for the ends proved by Mr. Duane, we cannot conceive to be in the least degree criminal." The committee further advised, that copies of the depositions then in their hands should be sent to Mr. Wentworth, "in justification of the conduct of this government, and to show his Excellency our readiness to make diligent examination into the matters of his complaint."

In answer to the request contained in the memorial, that the lands of the trespassers might be declared forfeited, the committee, in concluding their report, replied:—"We "conceive that advantages of broken conditions expressed in royal grants, are to be taken in a legal course, by regular prosecutions against the patentee; and that it would be manifestly improper to order any steps for that purpose in the present case, because we consider the grant which his Excellency refers to, as merely void for want of authority in the government of New Hampshire, to issue patents for lands (as has been done in many instances) on the west side of Connecticut river."

In this manner ended the foolish attempt of Governor Wentworth to gratify his feelings of dislike towards the inhabitants of the "Grants," who acknowledged the jurisdiction of New

York, by persecuting a few harmless individuals, who, if they had committed any wrong by trespass, had been driven to it by the neglect of the Surveyor-General's deputies. It does not appear that the prosecution against the Deans was continued after the Council of New York had expressed their opinion so plainly on the subject, and it is more than probable that the suit was abandoned, when it was found that the real motives of Governor Wentworth, in pursuing the course he had adopted, were more deserving of reprobation than of praise.*

* Doc. Hist. N. Y., iv. 621-633, 645-660. MS. Deposition of Ephraim Ranney and Silence, his wife, March 28d, 1770; also of Rachel Dean, wife of William Dean Jr. MS. Council Minutes, in office Sec. State N. Y., 1770, pp. 179, 181, 193, 195-197.

CHAPTER VII.

PROGRESS OF ORGANIZATION.

Gloucester County established—Sessions of the Court at Kingsland—Col. Nathan Stone of Windsor—His Conference with Col. Samuel Wells—Troubles at Windsor—Assault on the Sheriff of Cumberland County—Attempt to Overawe the Courts—Dislike towards John Grout, an Attorney—Determination to “Throw him over the Bar”—Grout taken by the Mob—Carried to Charlestown—Thence to Windsor—He refuses to accept the Terms of the Rioters—Escapes from Confinement—The Inhabitants of the “Grants” petition the King—Large Tracts of Land in Hinsdale and Guilford granted by Gov. Tryon to Col. Howard—Disturbance at Putney—Attempts at Jail Building by Thomas Chandler—Description of the Jails—The People of Cumberland County petition for a Removal of the Shire Town from Chester—Chandler’s Objections to a Change—Subject brought before the Legislature of New York—Act passed for erecting County Buildings—Westminster chosen as the County Town—The “Old Court House.”

THE territory north of Cumberland county had for several years been the resort of a “lawless banditti of felons and criminals,” who found in that distant region a safe retreat from creditors and officers of the law. There were also living there, a number of poor but reputable people, who, actuated by the desire of extending their possessions and enticed by the cheapness of the land, had settled almost beyond the bounds of civilization, and were striving to subdue the wilderness, and adorn the steeps of the Green mountains and the shores of the Connecticut with the luxuriance of waving harvest-fields. After the formation of Cumberland county, it was generally understood that the remaining portions of the “Grants” were to be deemed a part of Albany county. The authority of the latter county in the district referred to, was, however, merely nominal, and but little respect was paid to officers who issued their precepts at a distance of two hundred miles from the place where they were to take effect, and then left it to chance or a wandering peddler to effect a service. Weary of living without laws, the intel-

ligent and well disposed inhabitants of the new country, sent a petition to the city of New York asking for the establishment of a county. The subject was taken up in Council, on the 28th of February, 1770, Lieutenant-Governor Colden being present, and its discussion resulted in the passage of an order, directing his Majesty's Attorney-General to prepare the draft of an ordinance establishing as a separate county by the name of Gloucester, the territory lying north of the north line of Cumberland county, and extending from the Green mountains to Connecticut river. The ordinance was passed on the 16th of March, and from that period dates the formation of the county of Gloucester. At the same time, Kingsland was selected as the county town.*

On the 29th of May following, the first term of the courts of Common Pleas and of General Sessions was held at Kingsland, which was then little more than a wilderness. A full bench of judges was present, also three of the four justices of the quorum and the sheriff, but it does not appear that any business was transacted. The court met again at the same place on the 28th of August, and after appointing four constables, Simeon Stevens for Newbury, Jesse McFarland for Moretown, Abner Howard for Thetford, and Samuel Pennock for Strafford, adjourned for three months. On assembling at the appointed time, the 27th of November, the "eight causes" on the docket were "put over;" the constabulary force of Thetford was increased by the addition of Ebenezer Green; Samuel Pennock, Ebenezer Martin, Ebenezer Green, and James Allen, were made county surveyors, and the session was brought to a close. In the following year, on the 25th of February, Judge John Taplin, Sheriff John Taplin Jr., and John Peters, who served in the double capacity of clerk and justice of the quorum or assistant justice, set out from Moretown for Kingsland for the purpose of dispensing justice as usual. Owing to the depth of the snow they were obliged to travel on rackets, and the difficulty of this mode of progression was increased by the want of a road. On the second day of their journey, having travelled a considerable distance, and being unable to decide as to their situation, except that they were "far in the woods," they made a halt and "the court was ordered to be opened on the spot." The records of the doings on this occasion and at the next session are in these

* The boundaries of Gloucester county are given, *ante*, pp. 5, 6.

words : "The court, if one, adjourned over until the last Tuesday in May next; at which time it was opened, and after disposing of one case of bastardy, adjourned to August next." The inconveniences of holding the courts in a locality as unsettled and unknown as Kingsland being evident, an ordinance was passed by the Council of New York on the 9th of April, 1772, directing the courts of Common Pleas and General Sessions of the peace for Gloucester county, to be held in the township of Newbury on the last Tuesday in the months of February and August, "during the space of seven years." From this time the throne of sovereign law was, doubtless, established in greater dignity, and the sceptre of justice regarded with more profound respect.*

The inhabitants of Windsor, most of whom adhered to the jurisdiction of New Hampshire, were willing that those who favored the government of New York should be severely punished for misdemeanors, as has been plainly seen in the case of the Deans, before recited. They also denied the authority of the courts established by New York, and were ever ready to resist the execution of precepts issuing therefrom. During the month of May in the year 1770, as Samuel Wells of Brattleborough, one of the judges of the Inferior court of Common Pleas for Cumberland county, was returning home from a journey, he called on Col. Nathan Stone of Windsor, a justice of the peace under a New York commission, but at heart and in action a coöperator with those who maintained the supremacy of New Hampshire titles. As Wells was leaving, Stone mounted his horse and accompanied his guest almost to the limits of the town. Their discourse happening to turn on the opposition which had been made by the people of Windsor to the sheriff, who not long before had endeavored to serve some precepts there, Stone declared that no writs nor precepts from either of the courts of the county should be served in Windsor; that the formation of the county was a sham; that the patent authorizing

* Book of Commissions, in office Sec. State N. Y., 1751-1770, v. 440; 1770-1789, D. vi. 27. Deming's Vt. Officers, p. 119. Doc. Hist. N. Y., iv. 634, 635.

The township of Washington, situated in the north-western part of Orange county, comprises the territory, formerly included within the bounds of Kingsland. Kingsland was probably chartered early in 1770. Soon after that event, a town plot was laid out into village lots near the centre of the town, and a log jail was erected. The latter circumstance gave the name of Jail Branch to two streams which take their rise in Washington. One of these empties into the Winooksi, the other into Wait's river.—Thompson's Vt., Part III. p. 182.

its erection was a libel, since it contained expressions in regard to the inhabitants of the "Grants" which were untrue; that justice could not be obtained in the county because of the corruption of the judges and of the other officers; that the courts were ruled entirely by John Grout, an attorney, residing at Chester, and that he, Stone, was determined to oppose the authority of the courts and the judges so long as he had "a drop of blood in his veins." He further informed Wells that friendship had induced him to bear him company until he had passed most of the settlements in the town, and intimated that should Wells ride alone through the town, he would be in danger of being assaulted by the people.

Wells endeavored to convince Stone of the danger of resisting the administration of justice, and exhorted him to alter his determination, telling him, that if the people would for the future make no opposition to the free execution of the laws, it would be the most likely method to induce the civil authority to pass over, "in the tenderest manner," the opposition which had already been made. He also remarked, that if Grout or any of the justices or officers had committed any wrong, the law provided a sufficient remedy, and was the only medium by which offenders could be properly punished. To a final observation on the part of Wells, expressive of a fear lest Stone's determination to withstand the authority of the courts had been hastily made, Stone replied, that he had resolved, at least five or six months before, to resist the execution of writs; "that while he had life, he would oppose the sheriff, and that the people of Windsor and some other places would join and stand by him to the last drop of their blood."

A few days after this interview and before the end of the month of May, Daniel Whipple, the high sheriff of the county, in order to retake Joseph Wait, Benjamin Wait, Nathan Stone and Samuel Stone of Windsor, who, having been arrested by him a short time previous, on a precept from the Inferior court of Common Pleas, had been rescued by a number of armed men, collected a posse of a dozen or fifteen persons, among whom was John Grout, and with them repaired to the house of Joseph Wait, in order to arrest him. Being informed that he was at the house of Benjamin Wait, the sheriff proceeded thither. He had gone but a short distance, when he perceived a body of armed men approaching. Conspicuous in the crowd were those against whom the precept was issued. Accompany-

ing them were David Stone, Steel Smith, Elisha Hawley, Peter evins, Benjamin Thurston, Samuel Gridley, David Getchel, Jacob Getchel, Ebenezer Hoisington, senior and junior, Simeon Gills, Enoch Judd, Ebenezer Curtis, Solomon Emmons, John Benjamin, Andrew Norton, Jonathan Noble, John White, Samuel Whiston, Elnathan Strong, Joseph Thompson, Joseph King, and Aaron Bartlett, some of whom were office-holders in the county, and nearly all inhabitants of Windsor. The party appeared to be under the general direction of Nathan Stone, who was armed with a sword. The sheriff on approaching within hearing distance, made proclamation in form of law for them to disperse, but without effect. The rioters, led on by Joseph Wait, who for a time assumed command; then made an assault upon the sheriff and his posse, whom they soon overpowered. Wait, being armed with a club and pistol, struck at Grout twice with the former weapon, but he avoiding the blow, Wait levelled his pistol at him, whereupon he surrendered. The sheriff and his posse having been conducted to the house of Joseph Wait, were informed, that one, at least, of their number would be detained as a prisoner until the sheriff, Grout, and some others, should enter into bonds in the sum of five hundred pounds, to be forfeited if the action on which the sheriff was attempting to take them was further prosecuted, or if any of the inhabitants of Windsor should be prosecuted at the next general sessions for any crimes, whatever might be their nature. They also demanded of the sheriff, that he should engage to make return upon the process against Joseph Wait, Benjamin Wait, Nathan Stone, and Samuel Stone, that those persons could not be found in his bailiwick. To these terms the sheriff refused to assent. To attempt to force him to a compliance was, to say the least, unpleasant. For this reason, and through fear lest a continuance of violent measures might bring upon them deserved retribution, the rioters released him and his posse, without conditions, after having detained them as prisoners about seven hours.

On the 3d of June, which was the Sunday before the sitting of the courts of the county, Bildad Andros, of Westminster, called at the house of Judge Wells, in Brattleborough, and showed him a copy of a letter written by Israel Curtis, one of his Majesty's justices of the peace by commission from New York, and directed to a certain Mr. Webb, of Westminster. From this document Wells inferred, that Curtis, Stone, and a

number of others, from Windsor, intended to assemble at Chester for the purpose of disturbing the court and exciting a tumult. In consequence of this information, Wells, in company with Joseph Lord, his associate on the bench, set out as soon as possible for Chester, where they arrived on the evening of the 4th of June, and immediately presented the copy of Curtis's letter to Thomas Chandler, the first judge of the court, and to some justices of the peace who happened to be present. After consultation, the magistrates decided, in view of the ambiguous terms in which the missive was couched, that they would make no preparations to resist an attack, but would proceed with business unless prevented by force.

On the morning of the 5th, which was the day appointed for the opening of the court, Col. Stone, accompanied by those who a few days before had overpowered the sheriff and his posse, appeared "in a riotous and tumultuous manner," at the place where the court was to sit. Stone was armed with a sword, Joseph Wait "with a dagger or hanger," and the rest of the party, thirty or more in number, with walnut clubs. Judge Chandler, fearing from their martial appearance that mischief was intended, mildly demanded of Stone the reason of his being armed, and desired him not to carry his sword into court. Stone replied to this remonstrance, but in a voice so low, that his words were not distinguishable. The judges soon after took their seats, and the court was regularly opened. Upon this the rioters entered the building without removing their hats, and commenced hostile demonstrations. Stone, with his sword drawn, accompanied by Wait, who was also armed, approached the table before the judges' seat, the rest of the party standing a little back from, but facing the bench, and demanded of the judges a declaration of the right by which they presumed to sit there as a court, adding that this demand was made in behalf of the public. These remarks were at the same time seconded by Wait and Curtis. Some of the judges answered, "that the letters patent, or ordinance erecting the county and the commission of the pleas," which documents "were always read at the opening of the court," showed their authority, and that those who were seeking satisfaction should have attended when these were published. The immediate effect of this announcement was to elicit from Stone, Wait, and Curtis, in "many arguments," a denial of the authority of the government of New York to establish the county of Cumberland.

To these remarks the court did not offer a reply, but gave the rioters to understand that their presence should not hinder the business for which the court had assembled.

Wait, who with some others stood indicted for a riot, then demanded an immediate trial, which the court did not deem it prudent at that time to grant. For this course there was a sufficient reason. Under the circumstances, any jury which might have been empanelled would have been more or less influenced in their verdict by the hostile presence of those whom they would have been required to try. On the other hand, some immediate act of violence it was feared would be the result, should the offenders be required to enter into a recognizance to appear at the next term. Notice was accordingly given to the parties indicted, that their attendance for the present was no longer required.

Stone, Wait, and Curtis, then moved the court that John Grout should be forbidden to practise as an attorney, on the ground that he was "a bad man." They were told, in answer, that the court entertained a contrary opinion of Grout's character; that if they had anything to accuse him of, they might apply to the grand jury, and, in such case, the clerk of the court would assist in drawing any necessary bill or paper; or they might, if they chose, apply to a higher court; that Grout, if accused, had a right to be tried, but that the court had no lawful authority to comply with their request and prejudice him, on the suggestion that he was a bad man, unsupported by evidence, not even if the suggestion was sustained by a statement of the particulars of his bad conduct. Stone and Wait then said, that they did not accuse Grout in view of a trial, neither were they obliged to do so, but that the court might be certain that nothing would satisfy them and the people but the immediate expulsion of Grout, in such a manner that he would never again have the privilege of practising as an attorney in that county. Directing his attention more particularly to Judge Chandler, Stone added, "if it is not done, we shall do something which I shall be sorry to be obliged to do, which will make your Honour repent not complying with our request." The court having signified its determination to abide by the opinion previously expressed, the rioters began to close around the judges' bench, showing signs of a determination to carry their point by force. The court finding it impossible to proceed with business amid the tumult which was gradually

becoming more fearful, and unwilling that any act of violence should be perpetrated while it was sitting as a commissioned judicatory, adjourned to the next day.

On the day of, and soon after adjournment, Benjamin Thurston and David Getchel proceeded to the house of John Chandler, the clerk of the court, who dwelt in Chester, and in the presence of some of the judges, made prisoner of John Grout, who had fled there for safety. On the appearance of the rest of the rioters, the whole party, under the command of Joseph Wait, moved off with their prisoner towards Charlestown, New Hampshire, which was twelve miles distant. The journey was performed on foot, and was an easy task to the hardy backwoodsmen of Windsor and the adjacent towns, but, to the physical capacities of Grout, the quick pace at which his captors advanced was in no respect suited. To this discomfort was added the indignity which he was compelled to bear, of being pulled or shaken at each one's pleasure. At the end of the first two miles, meeting with Capt. Utley, a resident of a neighboring town, Grout stepped aside to speak with him, but was immediately forced back by the rioters, who informed him he could speak to no man in private. On reaching Sartwell's tavern in Charlestown, where the party remained that night, Grout was treated with much attention by the innholder, and by the rioters "with as much humility and civility," to use his own expressions, "as could be expected under such extraordinary circumstances." Conversation chancing to turn on the events of the day, "we have now broken up the court," remarked the rioters, "if we thought we had not effected it, we would go back and bring away one of the judges." They then asked Grout whether he thought the court would continue its session in spite of the opposition which had been made; to which question he replied, in order to prevent further violence, that he "was sure" it would not.

On the 6th, the party under the command of Col. Stone, proceeded to Windsor, making most of the journey by water. Before leaving Charlestown, Grout was assured "that he should suffer no bodily hurt," nor "be in the least insulted," but, on the contrary, should be treated with respect. "We don't mean to injure or hurt you," said Stone; "you must go to Windsor and be imprisoned at my house, and there you shall experience the kindness and generosity of our people." The prisoner replied, by expressing a hope that his physical weakness might

excite compassion. Arriving at Windsor, Grout was first taken to the house of Joseph Wait. Here he was privately addressed by Steel Smith, one of the rioters, who informed him he should have his liberty immediately, provided he would assent to the proposals which should be made him. "You must send for your family," said Smith; "you shall have a farm given you here, a genteel house built, and other presents." As he was proceeding in this strain, Grout reminded him of his illness, and begged him to reserve his remarks for another occasion. David Getchel, another of the rioters, commenced a similar conversation, but was persuaded to desist. As it was growing late, the rioters informed Grout, that he might retire if he was so minded. Having availed himself of this permission, Grout departed in the company of Stone, amid the good wishes and "low bowing compliments" of his captors.

Having gained the road, Stone endeavored, after the manner of Smith and Getchel, to point out to Grout the course which he should pursue. Grout again endeavored to change the subject, but this time without success. Continuing his remarks, Stone informed his prisoner that it would be for his highest advantage to listen to his words; that the people of Windsor would assemble on the morrow, and would then expect to hear some definite information as to his, Grout's, future movements. "You must," said he, "agree not to practise the law in this county. We mean that your agreeing to this shall be no disadvantage to you. We will make good all your damages, if you will come and live in this town, and become one of us. You will be treated with the greatest respect, and shall have a genteel settlement." Grout was at the same time assured that no one objected to his practising his profession in New Hampshire. Stone having finished his observations, Grout declared himself too weak to reply that evening.

On the morning of the 7th, Stone renewed the conversation, and acquainted Grout that he must meet the citizens of Windsor within a few hours, and inform them as to the course he should pursue in view of the offers which had been made him. "Violence has taken me out of my business," answered Grout. "My wife is of a slender constitution. Less trouble than this I have heretofore thought would have been too hard for her. The circumstances of my transportation will make her think I am murdered. My anxiety on her account, and for my family, deprives me of the power of speaking, and almost of thinking.

Why am I asked, 'What will you agree to?' or told I am 'free to act my sentiments.' I am in your power, and you mean to impose terms, and mean that I shall agree to them, whether willing or not. Under my present circumstances, I can agree to nothing. Willingly I take my liberty, if it be offered me. I will say nothing to your people. Call them only to ask them what terms they have to impose, and what punishment they will inflict on me, if I disobey them, my masters."

Such was Grout's reply to the inquiries of the people of Windsor. By reason of this answer, he was still retained in custody, not being permitted to write to his wife or any of his friends until the letter had been first approved of by his keepers. The severest threats were uttered against him, should he attempt to escape, and he was assured that, in case he should succeed, he would be retaken if he were "anywhere between heaven and hell." At the same time all his wants were attended to with the utmost care, and the respect which was shown him, so long as he remained passive, appeared to him more like the result of flattery than of true regard. In spite of the precautions and menaces of the rioters, Grout effected his escape on Sunday, June 10th, having been for six days a prisoner. On the 9th of August following, he petitioned the Hon. Daniel Horsmanden, Chief Justice of the Province of New York, to take measures to punish those who had acted as leaders in the outrages committed upon him. Process was accordingly issued against David Stone, Samuel Stone, Elisha Hawley, Enoch Judd, Ebenezer Curtis, John Benjamin, Andrew Norton, Elnathan Strong, Joseph Thompson, David Getchel, and Steel Smith, in two suits at law, Grout having been on two different occasions subjected to the riotous treatment of these men, and damages were laid at £200 in each action.*

These causes do not appear to have advanced beyond the original process, and it is more than probable that Grout was unwilling to continue them, when he had ascertained that it was almost impossible to secure the execution of a punishment or the levying of a fine in any of the north-eastern counties of the province when the conduct which had rendered such satisfaction necessary in the eye of the law, was sustained and commended by persons of weight and influence.

* MS. deposition of John Grout, dated June, 1770. Doc. Hist. N. Y., iv. 636-645.

These proceedings did not, however, command the approbation of the people. On the 1st of November following, a petition signed by about four hundred and forty of the inhabitants of Cumberland and Gloucester counties was presented to the King. Having in the preamble alluded to the right by which the territory west of Connecticut river was a part of the province of New York, recited the order in Council of July 20th, 1764, and referred to the ordinances by which the counties had been established, the petitioners reprobated the events which had recently occurred, and the feelings to which they had given birth. "In the month of June last," thus ran the statement, "a number of disorderly persons seated in the township of Windsor, in the county of Cumberland, assembled in a riotous manner, and by threats obstructed the proceedings of the court of Common Pleas, pretending that the magistrates and civil officers were unauthorized; that no obedience was due to them; that the jurisdiction belonged to the government of New Hampshire; that your Majesty's royal order, aforesaid, would soon be rescinded, and the lands thereby declared as part of your Majesty's colony of New York be decreed to appertain for the future to the province of New Hampshire." They further stated, that the rioters had eluded justice "by flight into New Hampshire," where they had united with some of the inhabitants of that province, and had already promoted "a spirit of disorder and disobedience" towards the jurisdiction of New York over the "Grants," by "procuring the subscriptions of many persons in both provinces to a petition," the avowed purpose of which was to place the "Grants" within the limits of New Hampshire. This latter measure, they announced, was designed to free the "lawless transgressors" who had proposed it, from merited punishment; to promote the interests of those who had trafficked in New Hampshire titles, and to aggrandize the family of the late Governor, Benning Wentworth, "for whose benefit, reservations of land had been made in all the grants which he had seen fit to pass. In view of these considerations, the petitioners prayed his Majesty to resist any attempt which might be made to change the jurisdiction, and to grant them such relief as in his "great wisdom" should seem meet.*

In opposition to these sentiments, another petition, probably that referred to in the document above noticed, was circu-

* Doc. Hist. N. Y., iv. 663-665.

lated on the "Grants" and in New Hampshire, and was largely signed. Its subscribers, with their "helpless wives and children," dependent upon his Majesty's "lenient and paternal interposition," for relief "from immediate poverty, distress, and ruin," prayed for succor and protection. The account which they gave of their condition was indeed lamentable, but was scarcely reliable. They stated that their situation as subjects of New York had been, was, and ever must be, "highly detrimental and disagreeable to them both in their property and good government;" that since the order of July 20th, 1764, their possessions had been "unexceptionably granted to other people under the great seal of New York;" that writs of ejectment had been brought against them, "their property wrested from them, their persons imprisoned, and their whole substance wasted in fruitless lawsuits, merely to the enrichment of a few men" in the province of New York, who were assiduous in using their "great influence" to rob them of their "hard, honestly earned" acquisitions. Such were the terms in which the adherents of the jurisdiction of New Hampshire sought relief from the King.*

The petition signed by the citizens of Cumberland and Gloucester counties, was followed, on the 3d of December, by another, from the "inhabitants of certain lands on the west side of Connecticut river, in the province of New York," praying for the confirmation by New York of certain New Hampshire grants. The Council of New York were not indifferent to the measure proposed in this last document, and means were readily taken to ensure a compliance with the requests which it contained. At the expiration of a little more than a year and a half, from the time when this petition was presented, confirmation patents for fifteen towns, situated west of the Connecticut and east of the Green Mountains, had been granted by New York, and instructions advising the confirmation of the charters of thirty-three other towns had been presented to his Majesty for approval. In almost every instance in which confirmation charters were issued, special favor was shown to those who had been occupants under New Hampshire titles.

To this general rule the proceedings which were had in the case of Hinsdale and Guilford formed an exception. As has been before stated, the township of Hinsdale was at a very early

* Doe. Hist. N. Y., iv. 672-675.

period granted by charter from Massachusetts. The tradition is, that the first white proprietors purchased the Indian right, thus rendering their title doubly strong. When, in the year 1739, the township was adjudged to be within the limits of New Hampshire, the old proprietors obtained from that province a ratification of their chartered rights. By the order in Council of July 20th, 1764, Hinsdale, with all the other townships west of the Connecticut, fell within the jurisdiction of New York. Owing either to "an unwillingness to pay the quit rent," or to a neglect of their own interests in some other particular, the proprietors of Hinsdale failed to apply for a confirmation charter. Meantime a certain Col. Howard, having asked for a grant of land, obtained a royal order for ten thousand acres, with permission to locate the tract in certain situations. Agreeable to the privilege given him in the mandamus, he made choice of about one half of the township of Hinsdale, and being an intimate friend of Governor Tryon, his selection was approved of and confirmed. As soon as this act became known, "it was reprobated by the whole country." So great was the clamor which ensued, that, in order to restore the township to its former proprietors, Governor Tryon offered Howard £600 "out of his own pocket," for a release of his claim. With this proposal, Howard "ungenerously refused" to comply. Notwithstanding the injustice with which they had been treated, the people of Hinsdale, instead of blaming the inhabitants of New York, regarded them as friends, and still remained firmly attached to that province.*

Not unlike this was the case of Guilford. The first proprietors had, on the 2d of April, 1754, obtained a grant of that township from the government of New Hampshire. In the year 1765, soon after the settlement of the boundary line between New Hampshire and New York, application was made to Lieut.-Governor Colden for a regrant of the township. This he promised to give as soon as the petitions for lands in the new territory should come under consideration. Another petition on the same topic was presented to Governor Moore, in the year 1766, but, like the former, was "either neglected or mislaid." A third representation made in the year 1767, experienced a similar fate. The subject was now allowed to rest, the proprietors hoping that they should, in the end, receive

* Doc. Hist. N. Y., iv. 668-671, 785, 786, 812, 832, 839, Allen's Narrative of the Controversy, 1774. MS. Duane's Plea, in Lib. N. Y. Hist. Soc.

what was due them. Meantime a patent comprehending twelve thousand acres of the township, was issued to Col. Howard. By this grant a number of the inhabitants were deprived of all their property. Redress was now earnestly sought in a memorial to the Governor of New York, dated May 11th, 1772. A charter for the land in Guilford without the bounds of Howard's tract, and a grant in some other locality as a compensation for the loss occasioned by the mal-appropriation of that tract, were the means which were proposed to restore confidence and create satisfaction. As it was with Hinsdale, so was it with Guilford. The inhabitants of both towns were unable to obtain reparation for their losses, until by the war of the revolution the possessions of royalists became the property of rebels.*

Owing to the enmity which separated the supporters of the jurisdiction of New York from the favorers of the jurisdiction of New Hampshire, events often occurred which not only served to show the extent to which this feeling was carried, but actually endangered the existence of society. Especially in the execution of law did New York magistrates meet with a firm opposition from New Hampshire adherents, and not unfrequently from the inhabitants of the latter province. At the June term of the Inferior court of Common Pleas, in the year 1771, one Jonas Moore of Putney, recovered judgment against Leonard Spaulding of the same place, to the amount of forty pounds, including costs. A fieri facias having issued to satisfy the judgment, the sheriff by his deputy seized some of Spaulding's effects, and placed them in the charge of Moore, who was instructed to keep them at his house until the day appointed by the sheriff for their sale. Meantime, on the 27th of January, 1772, a party of persons, numbering seventy or eighty, crossed over the Connecticut from New Hampshire, and going in the evening to the house where the goods were deposited, broke open the door, seized upon and carried them away, and at the same time insulted Moore's family "in various ways." They also threatened to go to Chester, pull down the jail, and deliver some of the prisoners there confined. On reflection, however, they concluded to defer the execution of these lawless designs. Efforts were immediately made by the officers of the court in Cumberland county, to find out the ringleaders in this disturbance. On account of the state of

* Doc. Hist. N. Y., iv. 782-785.

public feeling, Judge Lord did not deem it practicable to carry on his inquiries before a jury, and consequently endeavored to obtain information by means of depositions. Ere the examination had closed, and before warrants had been issued, five of the principal rioters confessed their guilt, and delivered themselves up as prisoners to the sheriff. With the assistance of Thomas Chandler Jr., and William Willard, two of his Majesty's justices of the peace, Judge Lord now began a jury inquiry. On the part of the rioters, the signs of repentance became more evident as the examination proceeded, and, before it was concluded, they had satisfied the judgment on which the fieri facias issued, and had made ample satisfaction to all persons who had been injured by them. Under these circumstances, further enforcement of the law was judged unnecessary. Although the persons engaged in this riot were mainly from New Hampshire, yet no "gentlemen, magistrates, or officers were encouragers, abettors, or assistants," in carrying out its illegal proceedings. As an evidence of their good will, Messrs. Bellows and Olcott, two of his Majesty's justices in the county of Cheshire, in New Hampshire, assisted Judge Lord in enforcing the laws, and having issued their warrants, apprehended about thirty of the rioters who resided within their jurisdiction, and bound them over to appear at the next session of the court, "to answer for their unlawful assembling and other misdemeanors."*

Acts like this, showed the necessity of enforcing as well as enacting laws. But, in order to enforce laws, it was all important that proper means of punishment should be provided. As a "terror to evil doers," a strong and commodious jail was indispensable. Of such an edifice the county could not, as yet, boast. When in 1768, a new charter was granted to Cumberland county, permission had been given to the inhabitants to erect at their own charge a court-house and jail. Chester was named as the location for these buildings, and being nearest to the centre of the county, was also declared to be "most convenient for that purpose." Although there were objections to this place as the county town, both on account of its distance from Connecticut river, and its backwardness as compared with other settlements, yet these objections were for the time effectually silenced by the assurances of Thomas Chandler, the first judge, that he would "at his own expense build a good and

* Doc. Hist. N. Y., iv. 757-761, 765, 766, 770, 771.

sufficient court-house or jail," at Chester. How well these promises were observed, will appear by the annexed extract from an old chancery document. The time to which the description applies, is the latter part of the year 1770. That which "then was called a jail," so runs the musty law paper, "was a place made in the corner of a dwelling-house or hut, the walls of which house were made of small hackmatack poles, locked together at the corners by cutting notches into the poles, and laying them notch into notch, so as to bring the poles as near together as conveniently might be. The cracks or vacancies between pole and pole were filled with tow, moss, or clay. The chamber floor [was] laid with single boards, [which were] not nailed, but lay loose. Such was the house, a corner of which then had the name of a jail, which jail corner may be justly described as followeth, viz., small palisades or poles of the diameter of about six inches each, [were] set up, one end of them on the lower floor, and the other end reaching one of the joists on which rested the upper floor. These poles resting against the joist, hindered them from falling inwards to the jail part, and another pole at some inches distant, [was] pegged up with wood pegs, which pole was fixed about parallel with the joist, and prevented the palisades from falling outward from the jail apartment; and, as many of the palisades were not fastened at the top or bottom, nor the chamber floor nailed, it was always in the power of any man who might be put into the jail apartment to push away the loose upper floor boards, and move away the palisades, and be at liberty.

"Such was what was then called a jail, in which no man had ever been attempted to be confined."

In the summer of the same year, the inhabitants of Chester commenced the erection of another jail. The lower and chamber floors, also the sides and ends, were built with hemlock logs, twenty inches in diameter, and at the corners the timbers were locked together in the manner of log houses. In order to complete the roof, a supply of nails was necessary. As these were not to be obtained, on account of the enforcement of the non-importation agreement, the new jail was left in an unfinished state. It was, however, the intention of Judge Chandler to render it as strong "as any jail in any county in the province." Meantime the old jail, which had been built by Chandler, and which, according to his account, had been accepted by the court and the sheriff as a "sufficient" building,

and had "held prisoners for more than four months at a time, who never left jail, till delivered by due course of law," was refitted.* On the sides, "where it was most slender," it was strengthened, and at right angles with the logs which formed the main body of the house, other logs were placed and pinned, thus rendering the building doubly secure. These extra repairs being completed, escape from this toll-booth was deemed by Chandler scarcely possible.

In addition to the jail, Chandler, at his own expense, built a court-house in Chester, during the year 1771. According to

* In a petition presented to Governor Tryon by a number of the inhabitants of Cumberland county, dated February 15th, 1772, it is stated that "sundry considerable sums" had already been subscribed "towards building a Court House and Jail" in Chester. The nature of the aid proffered may be deduced from a perusal of the annexed obligation, which is a copy from the original MS.

"June 16th, 1770.

"To Encourage the Finishing the Goal now began in Chester, we the subscribers will pay to such person or persons, as Thomas Chandler, Thos. Chandler Jr., Esqrs., and Mr. John Grout shall Employ to Labour or Provide Materials; the sums against our Names written. Witness our hands.

Joseph Woods, one bushel of Corn.

Willard Dean Two bushels of

Wheat Delivered at Rockingham

at the last Day of August."

In a letter to Governor Dunmore, under date of April 10th, 1771, Judge Chandler was at special pains to refute several calumnious stories which had been told concerning him in a petition lately circulated. The account of the assistance he had received in building the jail, received its share of denial. "As to the Subscription mentioned in the Petition," said he, "I can say there has not been more than Twenty pounds subscribed by any of the Petitioners, be they who they will, if half so much, and not one of them has paid so much as one farthing."

The declaration in the text, that the jail "had been accepted by the court and the sheriff," was averred in the letters of Judge Chandler, but was contradicted in the petition of February 15th, 1772, before referred to. Among the signers of this petition appeared the name of Samuel Wells, who on the bench was associated with Chandler. Speaking of the court-house and jail, the petitioners said, no buildings "have been erected which deserve that name, or which are any way sufficient for holding the Courts, or for the reception or safe Custody of Prisoners, for which reasons the magistrates are not in a capacity of maintaining peace and good Order."

The strength of this noted little jail probably depended more upon the will of its occupants than the excellence of its construction. When Daniel Whipple was sheriff, in the year 1770, an order was issued for the imprisonment of one Atherton Chaffee. Being in conversation with John Grout, Chaffee told him "that he knew it was out of Whipple's power to confine him against his will, but that Whipple had always used him with great tenderness, and that he should not be hurt; for, says Chaffee, I will tarry in the jail be it never so slender—rather than Whipple should be hurt." It was probably of men like Chaffee that Chandler spoke, when he said that the jail had "held Prisoners for more than four months at a time."

his own description, this structure was "thirty feet long, sixteen feet wide, and eleven feet post," and was so planned as to be "convenient" when finished. It was provided with a "sufficient lobby or room fit for a jury, with a fire place in it," and was covered with some kind of roofing. This building he leased to the county for the term of ten years, and as much longer as they might choose to use it. In it were to be held the terms of the Inferior court of Common Pleas, and of the court of General Sessions. There also was to be transacted all such other business as related to the general welfare of the county. But if the people had been displeased with Chandler's efforts at jail building, they were incensed at his failure in court-house construction. Before the commencement of this last failure they had endeavored to effect the removal of the shire town from Chester, and had even then brought the subject to the attention of the highest authority in the province. In their petition, presented to Governor Dunmore on the 11th of March, 1771, they commenced by setting forth the "peculiar grievance" under which they labored in being unrepresented in the General Assembly of the province. Turning then to the subject which at that time more particularly engaged their notice, they declared that previous to the establishment of the shire town of the county at Chester, Thomas Chandler had promised to erect a court-house and jail in that town at his own expense; that, on account of this promise, some had been induced "to give no opposition" to the selection of that place; that, notwithstanding this promise, and the subscription of "considerable sums of money" by themselves and others, to defray a portion of the charge of erecting the county buildings, none had been erected; that there was not "any real probability that any would be built;" that it was "extremely inconvenient" for the people to be obliged to attend the courts at Chester, since more than three fourths of them resided in the river towns; that the roads leading thither were bad, the inhabitants of the town few in number, and the accommodations poor. For these reasons they were of opinion that it would be more advantageous to the county, if the courts were removed from Chester to two of the river towns, "at least for a dozen or fourteen years," by which time the back towns would be better settled. They also proposed that four sessions of the courts should be held annually, as in Albany county. This petition having been read before the Governor and Council, the petitioners were ordered to serve a copy of it

on Thomas Chandler, and the first Tuesday of the following May was fixed upon as the time when the parties on both sides would be heard.*

In compliance with this order, a copy of the petition was left with Chandler on the 7th of April. His reply, addressed to Governor Dunmore, was transmitted to New York on the 10th. In this he asserted that the county was established without his "knowledge or application." He acknowledged, however, that when he heard that such an establishment would probably be made, he, in company with his son, Thomas, rode to New York, but he stated further that, on his arrival there, he found that the county had been erected and the civil officers appointed. During his visit nothing was said about a court-house or jail. To the declaration that no county buildings had been erected, he gave a flat denial, and in support of this denial gave a partial description of "a good and sufficient jail" which he had constructed at Chester, and of another which had been commenced by the inhabitants of the town.† Not "one farthing," he said, had ever been given towards defraying these or kindred expenses by any of the petitioners, and their announcement relative to subscriptions was, he stated, "so notoriously false," that it almost made him blush for their character. To the charges relative to the inconveniences attending the situation, condition, and accommodations of Chester, he answered that although the majority of the inhabitants of the county were residents in the river towns, yet the roads leading into Chester from Brattleborough on the south, and from Hertford and Windsor on the north, were "vastly better" than those which connected Brattleborough with the last two towns. From this he argued, that in a general view it was easier for the people to go to Chester than to Brattleborough or the more northern towns. He stated further, that it was probable that the inhabitants of each town would prefer to have the courts held in the place where they resided; that as for his part, he should choose to have the shire town located near the centre of the county, "for the good of the publick;" that there was but little choice between Andover and Chester; that the selection of Andover would "promote the settlement of the back townships, vastly more" than the selection of one of the river towns; that the

* Council Minutes, in office Sec. State N. Y., 1765-1783, xxvi. 214, 215.

† See *ante*, pp. 174, 175.

removal of the courts from the more inland portions of the county would, in fact, break up the back settlements, and call those persons who were now intending to remove to Kent, Dover, Bromley, Cavendish, and Thomlinson, to settle in other places, whereas, to continue the shire town at Chester, or in the vicinity, would in a year's time add a hundred families to the population of the adjoining towns; that the situation of the river towns was a sufficient motive to lead people to inhabit them, while the principal inducement to settle in the interior towns was their nearness to the centre of the county—a situation selected in the charter for the location of the shire town.

Continuing in this line of argument, he referred to the action of Governor Moore and his Council, in choosing Chester as the county town because of its central position, when they well knew that it was but lately settled, and that some of the river towns had been, comparatively speaking, long inhabited. He mentioned also the choice by the same dignitaries of Kinrossland as the shire town of Gloucester county, when the place did not contain a single family. His own experience as an early settler was the next point touched on.* Turning then to the charge relative to the accommodations of his adopted town, he asserted that they were as good as in any town in the county, that the same was true of the provisions there furnished, and of the bedding, in his opinion as many spare beds could be obtained there as at any other place in the shire. He explained the disparaging accounts which had been given of household arrangements at Chester, by saying that most of those who had attended court there had never seen more than the four or five families located near the county buildings; that, although travelling a mile or so they might have procured lodgings, they had chosen, being used to camp duty, to stay where they obtained their food, and had preferred the ground to a "go to bed." In closing, he stated that it would, no doubt, be necessary sooner or later for the judges from Albany to hold a court of Oyer and Terminer and General Jail delivery in the county.

* "When I first moved to Chester," said he, "I was the first man with a Family that had in this part of the Country moved out from the River, and there was no Road from the River to Chester or from Chester to Albany. Neither were there any Inhabitants for Thirty Miles West of Said River, and now there are Nine Families in Rockingham on the Road to Chester, and many on the Right hand and Left; there are also many Inhabitants on the Road to Albany."

that a route had within a year been traced between Chester and Albany, which had been much travelled, and by proper care would make a good wagon road; that there was no road either north or south of it leading to Chester for nearly a hundred miles, with the exception of one, which was partly in Massachusetts, and that in case the courts were removed from Chester, the judges would be first obliged to come to that town, and then set out for the shire town wherever it might be. Of the road over "Hoosuck mountains," he said, "it is difficult and dangerous both for man and horse. A corpulent person can but scarcely get up with the help of his horse's tail to draw him up by, and if the horse should miss his step, as horses have often done, he would fall, roll, or slip many rods before he would recover."* Such were the arguments advanced in the replication of Chandler.†

The hearing, which was to have been held in May, does not appear to have taken place, and, for several months, the question as to the future location of the courts, remained undecided. On the 2d of December, the inhabitants of Rockingham, in view of the attempts of the people of Westminster and other towns to obtain a removal of the shire town to the southern part of the county, and as a result of the belief that the selection of Rockingham would be "more beneficial and less detrimental" than any other which could be made, offered to pay £70 towards the erection of the county buildings, provided the shire town was removed to that place. Similar offers were made by other towns on similar conditions. On the 15th of January, 1772, the subject was brought before the Legislature of New York. After some time spent by the house in committee of the whole, the speaker resumed the chair, and John Thomas Jr. of Westchester county reported, that the committee were of opinion that several bills should be brought in relative to Cumberland county. Among those which he proposed, was one to enable the freeholders and inhabitants of the county "to erect and build a court-house and gaol, and to elect

* "This is a truth," added the letter writer, "that Samuel Wells Esq., will not Deny." Wells was on the bench with Chandler, and was of the number who favored the removal of the shire town from Chester. In the remarks about "a corpulent person," reference seems to have been had to Wells, and it is not improbable that he had been the subject of an accident similar to that the probable results of which are given in the text.

† N. Y. Colonial MSS., in office Sec. State, Dunmore, Tryon: 1771, xcvi.

supervisors and other county officers." His report having been delivered in at the table, was again read and agreed to by the house. On the same day, George Clinton and Capt. Seaman were ordered to prepare a bill comporting with the above title. Agreeable to the order, a bill was presented on the 16th, and was passed to a second reading. By the terms of the bill as first reported, the county buildings were to be located at Chester. So much had been effected by the replication of Chandler! On its second reading, on the 29th, the bill was referred to a committee of the whole house.*

Meantime, William Tryon had succeeded to the government of the province, and was unacquainted with the condition of affairs in Cumberland county. On the 25th of January, Chandler addressed to him a petition couched in terms similar to those with which he had approached Dunmore. This document, as it was dated at Fort George in the city of New York, was probably prepared in a council of Chandler's friends and advisers. After rehearsing facts connected with the rise and progress of the county, he referred to the good effects which had attended the location of the shire town at Chester, and described a court-house which he had lately built there and leased to the county.† He detailed the advantages which the county would receive, if the shire town should be allowed to remain where it then was, and in proof of the disposition of many of the inhabitants, referred to a petition which they had presented to the General Assembly, asking for leave to tax the county for the purpose of finishing the court-house begun at Chester, or for building a new one and a jail, at that place. In conclusion, he promised, in case the tax prayed for was not levied on the people, that he, at his own expense, would make the incomplete court-house comfortable, and build "a good jail" at Chester, rather than suffer the courts to be removed "to the damage of the publick." On the occasion of a riot which happened soon after at Putney,‡ when the rioters threatened among other "felonious actions," to "go to Chester, pull down y^e jail," and deliver some of the prisoners, Chandler again wrote to Governor Tryon. Having detailed the origin and incidents of the disturbance, he did not lose the opportunity of deducing from it an argument in favor of his adopted

* N. Y. Colonial MSS., in office Sec. State, Dunmore, Tryon: 1771, xxvii. Journal Gen. Ass. N. Y., 1767-1775.

† See *ante*, pp. 175, 176.

‡ See *ante*, pp. 172, 173.

town. "If the jail had been in any one of the river towns," said he, "as prayed for by some, the jail had by said mad Rioters been pulled down. Your Excellency will therefore see that it will on this account, be best to continue the jail and courts in y^e centre of the county, if no other reasons were given but to prevent such sudden mischiefs being perpetrated as may be done in a sudden heat of passion."*

Pending the discussion of the subject, a petition from the inhabitants of the county was read before the house, on the 22d of February, setting forth the many inconveniences which they would experience, should the bill in its present form pass into a law, and praying that they might not be obliged to build the court-house and jail in the township of Chester. The petition was referred to the committee to whom the bill had been given in charge. In order to rebut Chandler's representations Samuel Wells, Oliver Willard, William Dean, William Williams and Nathan Stone, addressed Governor Tryon in behalf of those who were opposed to the present location of the shire town. Their representations were similar to those they had made on former occasions, and in some instances were contradictory of certain assertions which had been made by the opposite party. They accused Chandler of failing in the performance of his promise to erect county buildings worthy of the name;† described the road to Chester as only partly opened, improperly constructed, but little travelled, and in many places almost impassable, and declared the town destitute of necessary accommodations, and its houses "mean, slight and uncomfortable." They stated that it would "tend much to the advancement of justice," the "benefit and utility" of the county, and "contribute greatly to the ease and satisfaction" of the people, if the courts were held nearer the river; that the inhabitants would willingly submit to be taxed, were the change made, and since two terms in a year had proved "insufficient for the dispatch of business," and the length of time intervening between them, had given many persons "opportunities of absconding, or defrauding their creditors, by embezzling their effects," that the addition of two more terms had become necessary for the due administration of justice. In making these representations, they declared that they spoke the sentiments of

* N. Y. Colonial MSS., in office Sec. State. Tryon, 1771, 1772, xcviij. Doc. Hist. N. Y., iv. 759-761.

† See *ante*, p. 175, Note.

more than three fourths of the inhabitants of the county. For this reason they prayed his Excellency to remove the courts to Westminster, and increase the number of terms to four in each year. This petition was read in the house on the 27th of February, and was referred to a committee of the whole.

On the 14th of March, Mr. De Noyellis, from the committee of the whole house, to whom had been referred the bill relative to the courts of the county, reported that they had examined it, altered the title, and amended it in several particulars. The bill as amended was then read, and having been agreed to by the house was passed for engrossment. Having been read on the 16th the third time, it was passed by a resolution, and Messrs. De Noyellis and De Witt were appointed to carry it to the Council and desire their concurrence in its passage. From them it was returned on the 21st, by Oliver De Lancey, approved of and unamended. The bill became a law on the 24th. Its original title had been altered, and it now appeared as "An act for erecting a more convenient Court House and Gaol, for altering the terms appointed for holding the courts of Common Pleas and General Sessions of the Peace, and for enabling the inhabitants to elect supervisors and other county officers in and for the county of Cumberland."

By its provisions the judges and justices of the county were directed to meet at the court-house in Chester on the first Tuesday of the following May, and form "into convenient districts" such parts of the county as were not erected into townships "under the Great Seal" of the colony. A description of these divisions was to be made in writing, subscribed by the judges and justices and filed with the county clerk, who was ordered to record it. The districts thus constituted were to remain as divided until formed into townships. The people were authorized to assemble on the third Tuesday of May following, and elect for each town and district one supervisor, two assessors, two collectors, two overseers of the poor, two fence-viewers, four constables, three highway commissioners, and as many persons for surveyors and overseers of highways, as the majority of "the freeholders and inhabitants" of each town and district should judge necessary. At the same time a county treasurer was to be chosen.* The election for these purposes was to be held annually.

* At the first election under this act, held May 19th, 1772, the people, for some reason not apparent, neglected to choose a county treasurer. That officer was

By other clauses of the bill, it was ordered that the "public and necessary charges" should be defrayed as in other counties; that "from and after" the first Tuesday in June, next ensuing, the courts should be held on the second Tuesdays in June, September, December, and March, in each year, and that each session should not continue longer than four days. In order to introduce these last regulations, the judges were directed to open the next court at the time and place to which it had been adjourned, and again adjourn it with "all presentments, indictments, suits, causes, complaints, writs, processes, and proceedings, whether criminal or civil, and all parties charged, prosecuting or defending therein," to the term next ensuing, as established by this act, and to the place which should be hereafter appointed. To the Governor, with the advice and consent of the Council, was reserved the power, according to ancient usage, of altering and fixing the terms and times of the court sessions.

In conformity with the first clause in the title of the bill, the supervisors who should be chosen at the coming election, were ordered to assemble on the last Tuesday in May at the court-house in Chester, and by a plurality of votes, ascertain the place where the court-house and jail were to be erected. The result of their ballotings was to be certified by an instrument under their hands and seals, and the place which they should choose was to "be and remain" the county town, if not disapproved of by the Governor. To defray the expenses of building, the supervisors were authorized to levy upon and collect, from the inhabitants of the county, a sum not exceeding £250. They were also instructed to nominate three fit persons to "superintend and direct the building of the said court-house and gaol, and the laying out and expending the monies to be raised for that purpose." Those who should collect the tax were directed to pay it to the three superintendents.*

In accordance with the rules laid down in this act, the towns which had not received charters from New York were divided into districts, and, on the 6th of May, an abstract of the divisions was posted in several public places, signed by Crean Brush, who, a few months before, had removed to Westminster, and had been appointed clerk and surrogate of the county by com-

afterwards appointed by the supervisors at their meeting in June following.—*Council Minutes*, in *office Sec. State*, N. Y., 1765–1788, xxvi. 302.

* *Journal Gen. Ass. N. Y.*, 1767–1775. Act of 12th George III., in *Laws N. Y.*, Van Schaack's ed., 1691–1778, pp. 700–702.

missions from Governor Tryon.* The supervisors who had been chosen at the general election, held, according to appointment, in the towns and districts of the county, on the 19th of May, assembled at the court-house in Chesert, on the 26th, for the purpose of locating the county buildings. Westminster was chosen as the shire town, and a spot adjoining "the public street or highway" in that township, and "as near the place where the meeting-house is erected," as would be convenient, was selected as the site of the court-house and jail. At a subsequent meeting of the supervisors, held on the 11th of June, at Westminster, for the purpose of proportioning the county tax, and choosing persons to superintend the erection of the court-house and jail, the question was raised as to the particular spot on which the buildings should be placed. Although this question had been once decided, yet by a majority of one, the former decision was reversed, and it was voted that the court-house and jail should be built "near the north end of the northerly plain, above a mile from the meeting-house, and about forty rods to the northward of all the houses in the street but one."

An account of these proceedings was carried to New York by Crean Brush, who informed Governor Tryon that the reversal of the first decision of the supervisors, had been "inadvertently acquiesced in" by some of the members of the board who were now convinced of the impropriety of the act. Owing to this representation, the Governor and his Council, at a meeting held on the 25th of June, approved of the selection which had been made at the first meeting of the supervisors, and authorized the erection of the court-house and jail on the spot which had on that occasion been chosen.†

Full permission having been obtained, the people of the county now turned their attention to the erection of a court-house which should be creditable and of service. The east village of Westminster is built on two plains which stretch along the banks of the Connecticut, and extend back to the mountains nearly a mile. At the northern extremity of the southern plain, which is higher than the other, and on the brow

* A copy of this abstract, taken from a rain-stained and weather-beaten original upon which the upturned eyes of the early inhabitants of the wilds of Vermont once gazed, as it looked down upon them from the side of an inn or of some humble place of worship, may be found in Appendix G. I am indebted to the Hon. William M. Pingry, for this and other documents.

† Council Minutes, in office Sec. State, N. Y., 1765-1788, pp. 302, 303.

of an elevation which afterwards took the name of "Court-House Hill," a spot was selected for the site of the building. It was located on the east side of the road but a short distance from the meeting-house which then occupied the centre of the highway. In shape it was almost square, the sides being about forty feet in length, and was built of hewn timber, clap-boarded. The roof was gambrel, surmounted by a cupola or tower, open at the four sides. An aisle, ten or twelve feet in width, ran east and west through the middle of the lower story. A double door was placed at each end of



Court House at Westminster.

the aisle, or, in other words, two doors opening either way from a centre fastening. In accordance with the custom of the times, the building was intended to afford some of the conveniences of a tavern. In the south-east corner was a kitchen or cook-room, occupied by the jailer, and in the south-west corner, a bar-room, in which the jailer served in the capacity of bar-tender. The chimney rose between these rooms, and opened into each in the shape of a large, old-fashioned fire-place. Another door was cut in the south side of the building, leading into an entry, on either side of which were doors to the kitchen and bar-room. In the north part was the jail, which comprised within its limits two prison-rooms, divided the one from the other by a narrow aisle running north and south. This aisle communicated with the broad aisle, by a door. Doors also opened from the prison-rooms into the narrow aisle. A flight of stairs led from the east entrance to the court-room in the second story, which did not differ materially from the court-rooms of the present day in its arrangement.

Before the building was completed, the superintendents had expended all the money which had been raised by tax, and were compelled for a while to suspend operations. Meantime the county had obtained two representatives in the Legislature of the province. On the 3d of February, 1773, Crean Brush, one of the representatives, asked leave to bring in a number of

bills designed to advance the interests of his constituents. Among these, was one "for raising £250 in the county of Cumberland, towards finishing the court-house and gaol already erected in the said county." Permission being granted, a bill to that effect was presented, and having passed its first reading on the 8th, and its second reading on the 10th, was referred to a committee of the whole house. Thence it was returned on the 13th with an altered title,* and with the amendment was, on the 15th, ordered to be engrossed. Having been read a third time, it was enacted by the house. On the 18th, the concurrence of the Council in the bill was announced by Roger Morris, and on the 8th of March it was passed into a law. The work was soon after renewed, and by the close of summer the building was ready for use. The court-room was never finished; but its walls, gray and cobwebbed, and its beams and braces rough and bare, were perfectly in keeping with the turbulent spirits who met within its precincts in legal conflict, or assembled there to engage in more important scenes.†

* The title was changed so as to read, "for raising the further sum of £250," etc. Act of 18th George III., in *Laws N. Y.*, Van Schaack's ed., 1691-1778, p. 808.

† *Journal Gen. Ass. N. Y.*, 1767-1776. The courts were held at Westminster, until 1781. In that year, Westminster and Marlborough were declared to be half shire towns, and one court term was held at each place until 1787, when the half shire towns were abolished, and the county town was established at New Fane, where a new court-house and jail were erected. The engraving in the text was finished from a plan, made from memory by Daniel Hall, Esq., who, in the year 1794, attended a school in the "Old Court-House" taught by Master Dudley Chase, afterwards United States Senator from Vermont. The building was demolished about the year 1806.

CHAPTER VIII.

LEGISLATION OF THE NEW YORK COLONIAL ASSEMBLY. EVIDENCES OF A REVOLUTIONARY SPIRIT.

Census of Cumberland and Gloucester Counties—Samuel Wells and Crean Brush chosen Representatives—Laws for Regulating the Affairs of the Counties—Road Law—License Law—Law for Supervising Intestates' Estates, and Regulating the Probate of Wills—Petition for Confirmation Charters—Law respecting the Sheriff's Fees—Law Establishing Fairs—Pay of Representatives—Road Law—Law Forbidding Justices' Courts to be held in Taverns—"Sons of Liberty"—Letter to the Supervisors of Cumberland County—Meeting at Chester—Patriotic resolves of the Westminster Convention—Troubles at Dummerston—Dr. Harvey, the Town Clerk—His Account of the Imprisonment and Release of Lieut. Leonard Spaulding—Another Meeting at Chester—Second Convention at Westminster—Committee of Inspection—Third Convention at Westminster—Committee of Correspondence—Petition to the New York Legislature.

In the various petitions, remonstrances, and memorials which had been presented to the governors of New York at different times, by persons claiming to be residents on the "Grants," the population of that district had been made to appear much greater than it really was. To come at the truth on this point, Governor Dunmore, on the 16th of January, 1771, directed the sheriffs of Cumberland and Gloucester counties to take an enumeration of the inhabitants of their respective bailiwicks. As the result of this census, it was shown that there were in the twenty-six towns in the county of Cumberland, from which returns were received, of white males, one thousand and eighty, under the age of sixteen; one thousand and thirty-three, between sixteen and sixty; and sixty, aged sixty and upwards; of white females, nine hundred and forty-nine, under sixteen; and eight hundred and eighty-seven above that age; of black males, seven, and of black females, eight. The whole population amounted to four thousand and twenty-four persons, of whom seven hundred and forty-four were heads of families. At the

same time the total number of whites and blacks in Gloucester county was found to be seven hundred and twenty-two.* With these data, the Legislature of New York were prepared to appreciate better the wants of a people who, on account of their distance from the seat of government, had been neglected, although their rights were nearly the same as those of the inhabitants of the other counties of the province.†

Among the complaints which were made when the subject of removing the court-house was first mooted, was one arising from the fact that the people of Cumberland county were denied representation in the Provincial Legislature. Thomas Chandler, writing to Governor Dunmore, on the 10th of April, had informed him of this "grievance," and had expressed his belief that his lordship would endeavor to redress it. The right of petition being that most frequently exercised in such cases, the people of the county drew up an address to Governor Tryon, on the 7th of December, 1772, in which they set forth the "powers, privileges, and immunities" to which they were by the terms of their charter entitled. They declared themselves "wholly disposed to demean themselves as good subjects," but expressed a desire of "enjoying, in common with the inhabitants of the other counties," the liberty of choosing two representatives "to serve in the General Assembly." "Such representation," said they, "will fulfil the hopes of your petitioners, by establishing that firm and lasting connection which they are desirous should ever subsist between them and the government to which it is their happiness to belong, and will enable them the more readily to accomplish the good purposes of government, by obtaining such laws as will most tend to its honor and their own prosperity." This address, which bore at its foot one hundred and fifty-one signatures, having been read in Council on the 23d of December, was favorably received, and a writ was ordered to issue, enabling the freeholders and inhabitants of the county to choose two representatives to sit in the next General Assembly of the province. At the election, which was held agreeable to this order, Samuel Wells, of Brattleborough, and Crean Brush, of Westminster, were returned as representatives. The Legislature being then in session, they soon after repaired to the city

* Williams's Hist. Vt., 1st ed., p. 411; 2d ed. ii 478 Brattleborough Semi-Weekly Eagle, vol. iii., nos. 43, 45-47, 49-51, 58, 60, 76. Doc Hist. N. Y., iv. 1034

† See Appendix H

of New York, and, having notified their attendance to the house on the 2d of February, 1773, were called in, and after presenting their credentials, were ordered to withdraw. Having been received as representatives by a unanimous vote, they were waited upon by Mr. De Lancey and Mr. Nicoll, two of the representatives, by whom they were conducted to one of the commissioners appointed to qualify representatives, and having taken the required oaths, were allowed to take their seats "at the table." Such was the ceremony by which members were inducted into office under the old courtier-like regime. Republicanism has removed most of the forms which served to give dignity to the legislative transactions of our ancestors, and the result may, for a time, have been beneficial. But the experience of the last twenty years has shown, at least in our deliberative bodies, that a decrease in respectful conduct has followed closely upon a disuse of ceremonial observances, and the scenes which have lately disgraced the floor of our National Congress have awakened in many a heart a wish for the revival of some of that becoming etiquette which lent so great a grace to the proceedings of the assemblies of former days.*

Previous to the election of Wells and Brush, some of the members of the Legislature had proposed the passage of a number of necessary and judicious laws, relating to Cumberland county. Leave having been granted, on the 15th of January, 1772, to bring in such acts as would meet the ends designed, the yeomanry of Cumberland had the satisfaction of knowing before the close of the session that their wants had been considered, and that the punishment of the statute-breaker and the protection of good men were certain, so far as legal enactments could avail, to produce these results.

The first of these acts, passed on the 26th of February, was for the revival and continuation of an act which had been made six years before for the purpose of "laying out, regulating and keeping in repair" the roads of the county.† At the same time a law was enacted for regulating the inns and taverns of the county. By its provisions no person was allowed to sell "by retail, any rum, brandy, wine, or spirits of any kind, under the

* Council Minutes, in office Sec. State, N. Y., 1765-1788, xxvi. 831. Journal Gen. Ass. N. Y., 1767-1775. Doc. Hist. N. Y., iv. 816, 817.

† See *ante*, pp. 138, 139. By an act passed March 8th, 1773, this act was extended to Gloucester county. Laws of N. Y., Van Schaack's ed., 1691-1773, pp. 487-490, 646, 804, 805.

quantity of one quart; nor any cider, strong beer, metheglin, or any such strong liquor, or any mixt liquors, directly or indirectly, under the quantity of five gallons," without a license, on pain of forfeiting the sum of twenty shillings, current money, for every offence, one-half of the fine to be paid to him who should sue for it, the other half to the overseers of the poor, for the benefit of those under their care. Licenses were to be granted for one year by the court of General Sessions of the Peace, to such persons as the justices should recommend, and were to be entered by the clerk on the court records. The justice from whom a recommendation proceeded, was to receive three shillings for every license granted, and the clerk two shillings for his services. By another provision, the act was to be read once in every year at the session of the court.*

Many difficulties had already arisen from the imperfect condition of the laws regarding the probate of wills and the settlement of the affairs of intestates. By an act passed on the 11th of November, 1692, in the fourth year of the reign of William and Mary, the courts of Common Pleas for the remote counties in the colony of New York, had been authorized "to take the examination of witnesses to any will within the said respective remote counties upon oath, and to grant letters of administration."

On the 24th of March, 1772, an act was passed extending the aforesaid act to Cumberland and Gloucester counties, giving to the courts of Common Pleas in those counties power "to take the examination of any witnesses to wills upon oath;" and "to act, do, and perform every matter and thing" pertaining to the supervising of intestates' estates, the regulating of the probate of wills, and the granting of letters of administration. When the courts were not in session, the same authority was given to the judges and justices by virtue of their office, and the clerks were ordered to give such assistance as might with propriety be

* This act was amended March 8th, 1773, and was extended to Gloucester county. As altered, no person was allowed to retail "any Rum, Brandy, Wine, or Spirits of any kind, under the Quantity of Five Gallons," without a license. No person having a license "to retail strong Liquors," was permitted to "sell any mixt Liquors, directly or indirectly, on pain of forfeiting the Sum of Twenty Shillings," current money, for each offence, to be recovered and applied as directed by the former act. The judges of the Inferior court of Common Pleas were authorized to grant licenses at the meetings of the court of General Sessions of the Peace, to such persons as they should deem proper. *Laws of N. Y., Van Schaack's ed., 1691-1773, pp. 646, 647, 805.*

demanded of them. Owing, no doubt, to the troubles consequent upon the prosecution of the Deans for felling his Majesty's trees, as related in a previous chapter, a bill was brought in, on the 28th of February, for preventing abuses "in the destruction of timber by joint tenants, or tenants in common, to the prejudice of their fellow joint tenants or commoners." It was ordered to a second reading, but, as no further account of it appears on the Assembly journals, it is probable that it was defeated.*

Although a number of the townships east of the Green Mountains, had received confirmation charters from New York agreeable to the order in Council of July 20th, 1764, still the majority of them were held by grants from New Hampshire. To produce a uniformity in the titles, about four hundred of the favorers of the jurisdiction of New York residing in the counties of Cumberland and Gloucester, petitioned the King on the 26th of January, 1773, to confirm to them the rest of the townships for one half of the usual fees of office. "Your petitioners," said they, "are not desirous of any change of jurisdiction, but are perfectly satisfied with, and earnestly wish to continue under the government of New York, and are only anxious to have their titles made valid and secure by confirmations under the Great Seal of the said province, which have been hitherto suspended, as your petitioners are informed, by your Majesty's royal instructions." On account of the insecurity of their titles, they declared that they could not carry on their improvements "with spirit and vigour" for fear of being deprived of them and losing their labor; that they were not entitled to the rights and privileges of freeholders, by reason of the defects of their New Hampshire charters; and from the same cause, were unable to support any action in behalf of their landed property, when it was injured or withheld from them. "While these distressing circumstances," said they, "fall heavy on individuals, they at the same time obstruct the growth and further cultivation of these new counties, impede the equal administration of justice, and prevent the payment and augmentation of your Majesty's revenue from the quit rents." These were some of the reasons which induced them to seek for a securer title than that under

* Act of Assembly, passed in the Province of New York, London ed. MDCCLXIX, 1691-1718, pp. 16, 17. Acts of 12th George III., in Laws of N. Y., Van Schaack's ed., 1691-1773, pp. 646, 647, 707. Journal Gen. Ass. N. Y., 1767-1775.

which they then held. But a reduction of the fees of office one half, as prayed for by the petitioners, was deemed too great a "mark of favor and indulgence" to be granted, and the riotous conduct of the settlers on the west side of the mountains received more attention from government than the reasonable complaints of the more peaceable inhabitants of Cumberland and Gloucester.*

At the session of the Assembly of New York in 1773, an act was passed on the 18th of March relative to Cumberland county, for the purpose of settling certain disputed questions regarding the sheriff's duties and privileges. By the law enacted on that occasion, he was authorized to compute his mileage fees "for the service of all writs and papers" from the court-house at Westminster. He was also empowered, "for the time being," to demand "the usual customary" mileage fees for every mile he might "necessarily travel in or out" of the county, "in order to facilitate the return" of writs and processes issued from the Supreme court of the colony. An affidavit from him of the number of miles he had thus travelled, was declared to be sufficient proof when presented to one of the judges of the Inferior court of Common Pleas, and, after the approval of the affidavit, the sheriff was allowed to tax his mileage fees in the bills of costs. In addition to these privileges, he was authorized, by himself or his deputies, to serve justices' warrants, summonses, executions, and other precepts in civil causes, and to collect the fees for his trouble.†

By an act passed on the 11th of November, 1692, when Benjamin Fletcher was Governor of New York, for "settling fairs and markets in each respective city and county throughout the province," an attempt had been made to excite and maintain an interest in improving the agricultural condition of the country. The manner in which these fairs were conducted, was most liberal and beneficial. According to the regulations, "all and every person or persons, inhabitants, strangers, or sojourners" might resort to them, and "carry or cause to be carried" thither, "all sorts of cattle, horses, mares, colts, grain, victuals, provisions, and other necessaries, together with all sorts of merchandise of what nature soever," and expose them for sale or barter "in gross, or by retail, at the times, hours, and seasons"

* Doc. Hist. N. Y., iv. 821-824.

† Act of 13th George III., in *Laws of New York*, Van Schaack's ed. 1691-1773, pp. 796, 797.

appointed. At each fair, an officer, styled a Governor, had supreme control, and was empowered to "commissionate" rulers of the fair, who were "to hold Courts of Pypowder," in the manner in which they were conducted in England.* In accordance with these regulations, an act was passed on the 8th of March, 1773, "respecting fairs in the counties of Albany, Cumberland, and Tryon." In making provision for the second named county, two fairs were appointed to be holden annually at Westminster; the first from the first Wednesday in June until the evening of the Friday next ensuing, and the second, for the same period, from the first Wednesday in September. All the rules and usages which had obtained under the old act, were applied with full force by the new act to the regulation of the fairs in the county of Cumberland.†

A question having arisen as to the remuneration which the members from Cumberland were to receive for their services, an act was passed on the 8th of March by which the sum of twelve shillings, current money, was allotted to each of them for every day's attendance on the Assembly. Ten days was apportioned to each at the beginning, and the same number of days at the close of the session, to be used in going to and returning from the Assembly, and for the time thus consumed, regular attendance fees were allowed. The county treasurer was ordered to pay the representatives their wages on a warrant from the supervisors, and the sum thus expended was to be assessed as other charges, and collected within ten days after the assessment.

On the 29th of November, 1745, an act had been passed to prevent damages by swine in Dutchess county. Cumberland being in want of similar protection, this act was extended to that county on the 8th of March, 1773, and was declared to be in force until the 1st of January, 1775.‡

* The word Piepoudre, Piepowder, or Pypowder, is derived from the French *pied*, foot, and *poudreux*, dusty, from *poudre*, dust; or *pied-puldreaux*, a peddler. Piepowder courts were granted at fairs in England, for the purpose of investigating all manner of causes arising and disorders committed upon the place, and were so called either "because justice was done to any injured person before the dust of the fair was off his feet," or because the principal disputes determined were between those who resorted to the fairs, and the alien merchants or peddlers who generally attended on such occasions. Brand's Popular Antiquities, ii. 468.

† Act of 4th William and Mary, and act of 13th George III, in Laws of New York, Van Schaack's ed., 1691-1773, pp. 11-14, 802.

‡ The act of November 29th, 1745, referring to Dutchess county, was again

At the session of the Legislature, for the year 1774, only one act was passed in which especial reference was had to Cumberland county. This act, passed on the 9th of March, had for its object, the revision of the laws concerning "common and public highways," and the facilitation of the business of "raising the county charges." By its provisions, all disputes which might arise as to the "place proper for making a road," were to be determined by commissioners appointed by the court of General Sessions, who were to be paid by the towns interested. The road which they might lay out, was to be worked as were other roads. Owing to the importance of Westminster, as the county town, particular care was taken that the approaches to it should be kept in good condition. Its inhabitants who were freeholders and who lived on the "town street," or who owned lands bordering thereon, were each of them ordered to work three days during the year 1774, "in clearing, opening, and repairing the said town street, to the breadth of ten rods." This service was to be deducted from the amount of general road labor, which each was required to perform. As to the classes of persons bound to or excused from labor, by the general road law, it was enacted, that every laborer or tradesman who was not a freeholder or housekeeper, should be obliged to work only three days in each year on the highways, and all indented servants living with and laboring for their masters, and young men living with and laboring for their parents, and not freeholders, were wholly excused from road work on their own account. Freeholders were compelled to keep the roads in repair, and eight hours of labor in that service, was deemed a day's work.

A short time before, a road had been laid out through the townships of Brattleborough, New Marlborough, Whiting, and Draper, in Cumberland county, and through the townships of Readesborough, New Stamford, and Pownal, in Albany county. As this road was calculated to facilitate the transportation of produce to market, and raise the value of land, the freeholders residing in the townships through which it passed, were ordered to work on it three days in each year, thenceforward. Samuel Anderson of Albany county, and John Houghton and Malachi Church of Brattleborough, were appointed commissioners to in-

revived on the 1st of April, 1775, to be continued until January 1st, 1790, and was, as before, extended to Cumberland county. Act of 15th George III. in New York Colony Laws, 1774, 1775, p. 127. See also act of 19th George II., and of 13th George III., in Laws of N. Y., Van Schaack's ed., 1691-1773, pp. 266, 308.

spect the road and alter its course, if they should think best, and were allowed eight shillings per diem for their services.

To facilitate the raising of county charges, the justices of the peace, in case any township or district should neglect to choose a supervisor, assessors, or collectors, "at the proper time," were authorized to nominate, at the next court session, the officers so neglected to be chosen, who were obliged to serve under a penalty of ten pounds. This penalty, if incurred, was to be sued for by the county treasurer, as were also moneys detained by the collectors against the will of the sheriff. The second Tuesday in June was fixed upon as the day on which the supervisors were to hold their annual meeting at Westminster. The laws passed by the New York Legislature for the benefit of Cumberland county, although wisely planned, were not readily executed. Where a direct and palpable benefit was to ensue from their observance, they were obeyed; but when any one chose to break them, his disobedience was but little regarded, and was still more rarely punished.*

The last session of the Colonial Legislature of New York, held in the early part of the year 1775, was noted for the amount of business which was transacted and the large number of bills which were passed. Of the latter, only two related to Cumberland county, and of these, that by which the western bounds of the county were changed, has been already noticed.† The other bill, enacted on the 1st of April, had for its object, the prevention of the trial of causes in taverns, by justices of the peace. In accordance with an established law of the colony, justices of the peace were allowed to hold a court for the trial of causes to the value of five pounds and under. In Cumberland county, it had come to be the fashion for justices to hold their courts in taverns, "to the great prejudice of the suitors, and damage of the inhabitants." To prevent this abuse, justices who should be guilty of it after the second Tuesday in June following, were

* Act of 14th George III., in New York Colony Laws, 1774, 1775, pp. 51-55.

† The law referred to, was passed March 12th, 1772, and was entitled, "An Act to empower Justices of the Peace, Mayors, Recorders, and Aldermen to try causes to the value of five pounds, and under, and for suspending an Act therein mentioned." Act of 12th George III., in Laws of New York, Van Schaack's ed. 1691-1773, p. 648.

The "Act therein mentioned" was passed December 16th, 1787, while George Clarke was Lieutenant-Governor, and was entitled, "An Act for establishing and regulating Courts, to determine causes of Forty Shillings, and under, in this Colony."—*Ibid.* pp. 194-196.

to forfeit for each offence ten pounds, and the proceedings of the court held in disobedience to this order, were declared null and void. Forfeitures in such cases, were to be sued for and recovered, with costs of suit, by a *qui tam* action in any court of record in the colony, one half of the sum to be allowed the prosecutor for his trouble, the other half to be appropriated to the support of the poor in the township or district where the offence was committed.*

On the 3d of April, two days after the passage of this act, the Colonial Assembly of New York adjourned, never to meet again. The feelings of hatred towards Great Britain, which had originated, in part, in the extension of the stamp laws to the colonies ten years previous, had in the mean time been increasing in force, and now, as then, found their exponent in the conduct of the "Sons of Liberty." Long had these determined men waited for the time when they should be able to demand of Great Britain the free exercise of those rights which had been guaranteed to them as her subjects. That time had now come, and they were not unprepared to improve the opportunities which it offered.

Among the most prominent actors in the ante-revolutionary history of New York, was Isaac Low. Early in the year 1774, a committee of correspondence had been formed in the city of New York, for the purpose of ascertaining the feelings of the inhabitants of the province in regard to the usurpations of the mother country. As chairman of this committee, Low had written to the supervisors of Cumberland county, on the 21st of May, in that year, for information as to the measures which the majority of the people in that part of New York would be likely to adopt in the present crisis. At their meeting in June, no action was taken upon his letter by the supervisors, and, either "through ignorance or intention," they endeavored to keep the knowledge of the existence of such a document from the people. The secret, nevertheless, was whispered abroad, and having become known to Dr. Reuben Jones of Rockingham, and Capt. Azariah Wright of Westminster, was communicated by them to the towns in which they lived. Meetings were, in consequence, called in those towns, and a committee from each was appointed to wait on the supervisors at their meeting in September, to see if they had in their possession

* Act of 15th George III., in New York Colony Laws, 1774, 1775, p. 123.

any papers which should have been laid before the people of the county. When that, which had been a suspicion, proved to be a fact, the supervisors made many excuses for their conduct. Some pleaded ignorance, "some one thing, and some another." But "the most of them," says Dr. Jones, in his account of the affair, "did seem to think that they could send a return to the committee at New York, without ever laying it before their constituents; which principle, at this day, so much prevails, that it is the undoing of the people." "Men, at this day," adds the philosophic chronicler, "are so tainted with the principles of tyranny, that they would fain believe that, as they are chosen by the people to any kind of office, for any particular thing, they have the sole power of that people by whom they are chosen, and can act in the name of that people in any matter or thing, though it is not in any connection with what they were chosen for."*

A resolution was now formed that no answer should be returned to Low's letter, until it had been laid before every town in the county. In accordance with this determination, the people in each town were invited to send delegates to a convention to be holden at Westminster on the 19th of October following. When the call was received at Chester, four of the inhabitants, by a written application, dated October 3d, requested Col. Thomas Chandler, the town clerk, to call a town meeting, that it might be known by a public expression whether the people were willing "to choose a com^{es} to make report to y^e com^{es} of Correspondence," whether they would "stand for the privileges of North America;" whether they were content "to receive the late acts of Parliament as Just," or would "view them as unjust, oppressive, and unconstitutional." A meeting was accordingly held on the 10th of October. Col. Chandler was chosen moderator, and a committee of five were directed to join the county committee for the purpose of preparing a report for the committee of correspondence in the city of New York. Not content with lending their aid to effect those changes in behalf of which many were soon to suffer, they resolved in the most patriotic manner, and in language whose meaning was unmistakable, "that the People of America are Naturally Intituled to all the Priviledges of Free Borne Subjects of Great Britain, which Priviledges they have Never

Forfeited; that Every Man's Estate, Honestly acquired, is his own, and no person on Earth has a Right to take it away without the Proprietor's Consent, unless he forfeit it by some crime of his committing; that all acts of the British Parliament, Tending to take away or abridge these Rights, ought not to be obeyed; that the People of this Town will joyn with their Fellow American Subjects in opposing in all Lawfull ways every incroachment on their Natural Rights." Thus spoke the people of Chester. In capital letters and in syllables strengthened by heavy gutturals, they spoke, but their language was not the "great swelling words of vanity." Every sound contained a meaning, and every meaning seemed to look forward to a development of itself in action. Similar meetings were held in other places with similar results.*

On the 19th of October, eighteen delegates from twelve towns, met in convention at the "County Hall" in Westminster. The session lasted two days. Col. John Hazeltine of Townshend, was chosen chairman, and the meeting having been properly organized, the letter of Isaac Low, the act of the British Parliament by which a duty had been levied on tea for the purpose of raising a revenue in America, the Boston port bill, and several arbitrary declarations of the English government, were read in the hearing of the people. These papers were referred to a committee consisting of John Grout, of Chester; Joshua Webb, of Westminster; Paul Spooner, of Hertford; Edward Harris, of Halifax; and Major William Williams, of Marlborough. In the report which they submitted on the following day, they briefly reviewed the sufferings which they had endured as pioneers in the settlement of a new country, and the hardships they had encountered in "subduing the wilderness, and converting it into fruitful fields." They expressed the greatest surprise that Americans should, by the late acts of Parliament, have been deprived "of that great right of calling that their own," which they by their industry had honestly acquired; that the King and Parliament should dare to say with impunity they had "a right to bind the colonies in all cases whatsoever," and that they should "attempt to exercise that authority, by taking, at their pleasure, the properties of the King's American subjects without their consent." "He who has nothing"—this was the argument of these liberty-

* MS. records of the town of Chester.

loving men, who, regardful of the course which England had pursued towards her colonies, looked forward with dread apprehensions to the future—"he who has nothing but what another has power at pleasure lawfully to take away from him, has nothing that he can call his own, and is, in the fullest sense of the word, a slave—a slave to him who has such power; and as no part of British America stipulated to settle as slaves, the privileges of British subjects are their privileges, and whoever endeavours to deprive them of their privileges is guilty of treason against the Americans, as well as the British constitution."

In view of these sentiments, they resolved "that as true and loyal subjects of our gracious sovereign, King George the Third of Great Britain, &c., we will spend our lives and fortunes in his service; that as we will defend our King while he reigns over us, his subjects, and wish his reign may be long and glorious, so we will defend our just rights, as British subjects, against every power that shall attempt to deprive us of them, while breath is in our nostrils, and blood in our veins; that considering the late acts of the British Parliament, for blocking up the port of Boston, &c., which we view as arbitrary and unjust, inasmuch as the Parliament have sentenced them unheard, and dispensed with all the modes of law and justice which we think necessary to distinguish between lawfully obtaining right for property injured, and arbitrarily enforcing to comply with their will, be it right or wrong, we resolve to assist the people of Boston in defence of their liberties to the utmost of our abilities." In the next resolution they announced in the most explicit terms the rules by which their own conduct should be governed in circumstances in which they might be nearly concerned. "Sensible," said they, "that the strength of our opposition to the late acts consists in a uniform, manly, steady, and determined mode of procedure, we will bear testimony against, and discourage all riotous, tumultuous, and unnecessary mobs which tend to injure the persons or properties of harmless individuals; but endeavour to treat those persons whose abominable principles and actions show them to be enemies to American liberty, as loathsome animals not fit to be touched or to have any society or connection with."

Agreeable to the suggestions contained in Low's letter, a committee composed of Joshua Webb, John Grout, William Williams, Deacon John Sessions of Westminster, and Capt.

Joab Hoisington of Windsor, were chosen to communicate with other committees of correspondence in the province and elsewhere. Thanks were returned to the committee in New York city for the notice they had taken of the "infant county," and the chairman was directed to forward the resolutions of the convention to Isaac Low, and inform him why his letter to the supervisors had not met with an earlier answer. The convention also acknowledged their obligations to John Hazeltine, "for his good services as chairman." This report was read, paragraph by paragraph, and was adopted unanimously. Although there is no record to that effect, yet power seems to have been given to the chairman to convoke another convention whenever the good of the county might seem to demand it.*

The town of Dummerston numbered among its inhabitants some who were unfriendly to the jurisdiction of New York, and who regarded the order of the King in Council, by which Connecticut river was declared the eastern boundary of that province, as especially tyrannical. Such were pre-eminently the views of Solomon Harvey, the physician and clerk of this patriotic village, and the records which he kept, in virtue of the latter office, exhibit on almost every page, traces of his peculiar disposition. The dislike which he, in common with others, entertained towards the government of New York, had no doubt been increased by the aristocratic bearing of some of the county officials who held their appointments from the

* American Archives, Fourth Series, 1775, vol. ii. cols. 1064-1066. The proceedings of this convention—the first held within the limits of the present state of Vermont for the purpose of opposing the tyrannous measures of Great Britain—were not made public until the middle of the year following. Meantime, the Congress of the United Colonies had been organized, and a report had got abroad charging the people of Cumberland county with being unfriendly to its measures. On the 23d of June, 1775, some person in New York city—probably John Hazeltine, for he had arrived there as a member of the New York Provincial Congress two days previous—addressed a note to John Holt, the editor of the New York Journal, couched in these words: "The County of Cumberland in this Province, having been represented as inimical to the proceedings of the late Continental Congress at Philadelphia, and to the several Provincial Congresses since held in the respective British Colonies in America in defence of their just rights and freedom; you are desired to publish in the New York Journal the following Proceedings and Resolutions of a General Committee, consisting of the Committees of a number of Towns, by which the whole County was well represented at a meeting in October last. The long delay of the publication was occasioned by some unfair practices of a small but mischievous party, together with the remote situation of the County from the City of New York." Holt complied with the request of his correspondent, and the opinions of the people of Cumberland county were presented in their true light.

Colonial Legislature; and the abuse of power which these men sometimes exhibited in their functionary character, was used as an argument against those from whom they had received their authority. At a town meeting held at Dummerston on the 17th of May, 1774, the people omitted to choose town trustees. "Should this Excite any Speculation," says Harvey, who entered an account of the event on the town records, several years after its occurrence, "it may be remembered that the Government of New York, has, Ever Since July y^e 4th Anno 1764,* Exercised an unpresidented system of tyranny over all that territory Since Called State of Vermont, and did in almost Numberless instances So Cruelly Harrass and pillage the poor New Settlers in this intolerably inhospitable wilderness, as rendered their hard Earned pittances Scarce worth Enjoying, and all under the Sacred and auspicious Name of administring justice."

Having with these words aroused the recollection of his readers, the eloquent clerk proceeds to unfold to them the reasons which led the people of the town to postpone the election of trustees. "Governor Tryon & his imps, and the minions of the British tyrant (George the third)," these are his glowing words: "had by their Hell-invented policy, their plans, Commissions, and other artful insinuations, Extended their influence into Every New plantation, over which they tyrannized; and had not failed Even to have Some in their interest in this town, who by art and insinuation, overpersuaded the honest people of this town to Omit Chusing trustees for the year, alledging that they had no right to it by virtue of any Law of the government, notwithstanding the provision made and provided in such Cases, and the Special injunction to all incorporated Societies to Comply with it." The people having discovered the imposition which had been practised upon them, and fearful that some of the higher dignitaries of the county would "appoint some of their emissaries to supply the place of trustees," caused another meeting to be notified, and avoided the mischief which had been intended for them by choosing for themselves the officers whose places had been left vacant at the regular election.†

Fully on their guard, and ready to treat as tyrants those who

* The order in Council which declared Connecticut river to be the eastern boundary of New York, was passed on the 20th of July, 1764. It is to this date that Harvey probably intended to refer.

† MS records of the town of Dummerston, i. 15-17.

should endeavor to deprive them of any of their privileges, they afterwards sent delegates to the Westminster convention, and were among the foremost in advancing the objects for which it had been convoked. Nor was it long before they had an opportunity to carry into action the spirit which they had evinced in words. An event occurred in their own rock-ribbed village, which allowed full scope to their patriotism, and ended in confirming the jealous watchfulness with which they had resolved to guard their rights. The warm-blooded Dr. Harvey, the "village Hampden" of Dummerston, who, judged by his zeal and courage, seems to have possessed

"Hands, that the rod of empire might have sway'd,"

was the leader on this occasion. He has shown, in his narrative records, how the insolence of Britain was checked by the valor of himself and of his compeers, and it is but right that he should tell the story in his own quaint and energetic mode.

"On the 28th of October, A. Dom. 1774, Lient. Leonard Spaulding of the town of Fullham alias Dummerston, was Committed to the Common gaol for high treason against the British tyrant George the third,* by the direction of the infamous Crean Brush, his attorney, & Noah Sabin, William Willard, & Ephraim Ranney Esqrs., and Wm. Paterson the high Shreeve, and Benja. Gorton, and the infamous Bildad Easton, and his Deputies†; upon which, on the following day, viz.

* "P. S. Mr. Spaulding's pretended Crime was, that he threw out some words unfavourable to the British tyrant relating to the Quebec Bill by which he is made Pope of that government."—MS. Dummerston records, i. 20.

The cause of Lieutenant Spaulding's confinement, is more fully given in the annexed extract. "One man they put into close prison for high treason; and all that they proved against him, was, that he said if the king had signed the Quebec bill, it was his opinion that he had broke his coronation-oath. But the good people went and opened the prison door and let him go, and did no violence to any man's person or property."—Slade's Vt. State Papers, p. 56.

By the provisions of the Quebec bill, as it was called, the Roman Catholic religion, instead of being *tolerated* in Quebec, as stipulated by the treaty of peace, was *established*. By the same act the people of the province were deprived of the right to an Assembly. Trial by jury, and the English laws, in civil cases, were abolished. In the place of the latter laws, the laws of France were established, in direct violation of his Majesty's promise in his royal proclamation. See Journals Am. Cong. i. 37.

† Jacob Laughton of Dummerston who was born in Rutland, Massachusetts, September 10, 1760, and who was contemporary with Dr. Harvey, remarked to the author, in a conversation which took place in December 1851, that "Lient. Spaulding was a resolute man," and that "it took three or four 'Yorkers' to conquer him when he was committed to the jail at Westminster."

October the 29th, a majority of the inhabitants met near the house of Charles Davenport on the green, and made Choice of Sundry persons to Serve as a Committee of Correspondancy to joyne with other towns or respectable bodies of peopel, the better to secure and protect the rights and priveledges of themselves and fellow-cretures from the raveges and imbarassments of the British tyrant, & his New York and other immesaries.

“The persons made choice of, were these, viz., Solomon Harvey, John Butler, Jonathan Knight, Josiah Boyden & Daniel Gates, by whose vigilance & activity Mr. Spaulding was released from his Confinement after about eleven days: the Committee finding it Necessary to be assisted by a Large Concourse of their freeborn Neighbours and bretherin, Consisting of the inhabitants of Dummerston, Putney, Guilford, Halifax and Draper, who discovered a patriotic Zeal & true heroic fortitude on the important occation. The plain truth is, that the brave sons of freedom whose patience was worn out with the inhuman insults of the imps of power, grew quite sick of diving after redress in a Legal way, & finding that the Law was only made use of for the Emolument of its Cretures & the immesaries of the British tyrant, resolved upon an Easier Method, and accordingly Opned the goal without Key or Lock-picker, and after Congratulating Mr. Spaulding upon the recovery of his freedom, Dispersed Every man in pease to his respective home or place of abode. The afforgoing is a true and short relation of that Wicked affair of the New York, Cut throatly, Jacobitish, High Church, Toretical minions of George the third, the pope of Canada & tyrant of Britain.” Such is the graphic and impartial narrative of one who was the chronicler of events in which he bore an important part. Comment is unnecessary.*

While the people of Cumberland county were thus engaged in endeavoring to pluck off the leaves from the tree of despotism, the representatives of the different Colonies, assembled in Congress at Philadelphia, were dealing vigorous blows at its trunk.

The adoption by Congress of the “non-importation, non-consumption, and non-exportation association” on the 20th of October, was hailed with a joy, which, though not universal even

* MS. records of the town of Dummerston, i. 18-20.

among the lovers of liberty, was significant of the feelings of the mass of society. By the advice of some of the leading men in Cumberland county, John Hazeltine, on the 13th of November, assumed the responsibility of issuing circulars to the different towns, notifying a second convention to be held at Westminster, and inviting the attendance of delegates. At a meeting which was held at Chester, on the 28th of November, in accordance with this call, two delegates were chosen to represent that town at Westminster. They were instructed to "use their best endeavors" to procure from the convention, a vote of thanks to the Continental Congress "for their good services," and an assurance that the people of the county would "fully comply with their advice and resolutions." They were also directed to exert their influence to obtain the passage of certain instructions to Samuel Wells and Crean Brush, their representatives in the New York Legislature. Of these instructions, the chief was, that their representatives should exert "their best skill and wisdom" to choose deputies to attend the Congress of the Colonies, to be held at Philadelphia in the following May, unless the grievances universally complained of should be redressed before that time. On the same day, a similar meeting with similar results was held in Dummerston. Among the votes passed on that occasion, was one particularly significant, by which the assessors were directed to "assess the town in a Discretionary sum of money, Sufficient to procure 100 weight of gunpowder, 200 Weight of Lead & 300 flints, for the town use." The tax was to be taken in "potash salts," and a committee was appointed to receive that article.

At the second convention, held at Westminster, on the 30th of November, "all the resolves of the Continental Congress" which had been passed a few weeks previous, were adopted, and a promise was made by which the delegates bound themselves as representatives of their constituents "religiously to adhere to the non-importation, non-consumption, and non-exportation" association. An attempt was made to form a county committee of inspection, but as this movement was "much spoken against by a justice and an attorney," and was "looked upon by them as a childish, impertinent thing, the delegates dared not choose one." The state of the county was then considered, as were also the inconveniences to which the inhabitants were subjected in collecting their dues in the province of New Hampshire. As to the general spirit of the proceedings of the con-

vention, there was no retrogression from the high position which had been taken in the previous month.*

In one of the articles of the "non-importation, non-consumption and non-exportation association," was a recommendation that a committee should be chosen "in every county, city and town," by those "qualified to vote for representatives in the Legislature," whose business it should be "attentively to observe the conduct of all persons" in regard to the measures which had been adopted by the association. The advice conveyed in these words, though rejected by the Westminster convention, was not unheeded by the patriotic people of Dummerston. The service implied was such as suited their temper. The subject was broached in town meeting, on the 3d of January, 1775, and seven persons, with Dr. Harvey at their head, were chosen a "Committee of inspection" to observe the "Conduct of the inhabitants, agreeable to an order or recommendation of the Right Honorable Continental Congress." The authority with which this committee was vested, was by no means negative, and their office was in no sense of the word a sinecure. Under their inquisitorial sway, two of the town assessors were removed from their places, because they had refused to purchase the stock of ammunition which was to be paid for in "potash salts." From one man they took a gun, because forsooth they suspected it contained a ball more friendly to the King than to the Congress. By their decision, another man who had been prominent in the history of the village, was declared unfit for office, and was not permitted to act in a public station, until by his conduct he evinced the spirit of a patriot. After the commencement of the Revolution, committees like these were to be found in almost every town throughout the New Hampshire Grants, but the people of Dummerston seem to have led the way in sustaining in Cumberland county the efforts of Congress to guard against the manœuvres of inimical persons.†

So favorable had been the result of the two Westminster conventions, that it was thought best that another convention should be held early in the year 1775. Warrants signed by Col. John Hazeltine, were in consequence sent to the different towns in the county on the 30th of January, and primary meetings were again convened for the purpose of choosing delegates.

* MS. records of the town of Chester, i. 37-40. MS. records of the town of Dummerston, i. 28. Slade's Vt. State Papers, pp. 55, 56.

† Journals Am. Cong. i. 25. MS. Dummerston Records, vol. i. *passim*.

As on former occasions, the towns of Chester and Dummerston were foremost in responding to the call. On the 7th of February, delegates from twelve towns assembled at Westminster, and the convention was organized by the choice of Col. John Hazeltine as chairman, and Dr. Paul Spooner as clerk. The session lasted three days. A standing committee of correspondence, composed of persons from twenty-one towns, was chosen, that the county might be kept well informed as to the doings of the friends of liberty in the different colonies. Its members were Joshua Webb, Nathaniel Robinson, and Abijah Lovejoy, of Westminster; Capt. Samuel Minott, of Putney; Dr. Solomon Harvey, of Dummerston; Nathaniel French, of Brattleborough; William Bullock and Hezekiah Stowell, of Guilford; Lieut. Eleazer Patterson, of Hinsdale, now Vernon; Edward Harris, of Halifax; Charles Phelps and Capt. Francis Whitmore, of Marlborough; Elijah Alvord, of Draper, now Wilmington; Samuel Robertson, of Newfane; Col. John Hazeltine and Samuel Fletcher, of Townshend; James Rogers, of Kent, now Londonderry; Moses Gile, of Chester; Moses Wright and Jonathan Burt, of Rockingham; Simon Stevens, of Springfield; Hezekiah Grout and Oliver Rider, of Weathersfield; Benjamin Wait, of Windsor; Dr. Paul Spooner, of Hertford, now Hartland; "Esquire" Jonathan Burk, of Hartford; Jacob Hazeltine, of Woodstock; and John Winchester Dana, of Pomfret. Col. Hazeltine was chosen chairman of the committee. Dr. Spooner, Joshua Webb, Abijah Lovejoy, Dr. Harvey, and Capt. Whitmore were appointed to "serve as monitors to the committee of correspondence" and were directed to transmit all letters of public importance, and convey all intelligence of general interest of which they might become possessed to Col. Hazeltine. To avoid any misrepresentation of the objects for which the delegates had assembled, Charles Phelps and Dr. Harvey were instructed to prepare for publication, such extracts from the doings of the convention as they should deem advisable, and to add a short account of the proceedings which had taken place at the meetings which had been previously held. Power was given to the chairman to call a general meeting of the town committees in cases of great emergency, or on application of the committees of three towns; and he was directed to notify a meeting without delay when the application should proceed from the committees of five towns.*

* MS. Pingry Papers.

One of the main objects for which this convention was assembled, was to obtain, if possible, from the Legislature of New York, the passage of such laws as would tend to improve the mode of administering justice in the county courts, and effect a change in several of the preliminaries in judicial proceedings. A formal petition, drawn by Charles Phelps, was in consequence addressed to Lieutenant-Governor Cadwalader Colden, and probably received the sanction of the convention before its adjournment. In this document the delegates, in behalf of their constituents, represented the "great expense and heavy burdens" that had been imposed on the county by the additional courts which had been lately established. As the result of this change, they stated that lawsuits had increased, charges had been multiplied, and families nearly beggared. They further declared that their hard-earned money had been appropriated in fulfilling the conditions of their charters, in clearing their heavy timbered lands, in cultivating their fields, in supporting their "numerous and very indigent families," and in building the court-house and jail, which had been located at Westminster. Among their other hardships, they mentioned the inconveniences attending the "calling off from their business" of more than seventy farmers at each of the quarterly sessions of the court to act as grand and petit jurors, for which service they did not receive enough to defray their expenses; the wages which they were obliged to pay their representatives in the Colonial Legislature, and the high fees charged by attorneys for their work. These and other inflictions of a similar nature they pronounced "very burthensome and grievous," and stated that unless they were redressed the further settlement of the county would be greatly obstructed.

In view of this representation, they prayed that the number of the terms of the inferior court of Common Pleas, and of the court of General Sessions of the Peace, might be reduced to two of each annually, and further, that such an arrangement might be continued for seven years. They also asked for the reduction of the number of grand and petit jurors to eighteen each, for each of the court terms; for the lessening of the retaining fee taxed by the court in bills of costs, to ten shillings; for a regulation by which all deeds and conveyances of lands should for the future be recorded in the office of the clerk of the town in which the lands might lie; for the establishment of a probate office in the county; for the passage of an act by

which all processes issuing from justices of the peace, under "the restriction of the five pound act," should be served by constables and not by the under sheriff or his deputies; for the repeal of the law by which such processes were served by the sheriff, and for the passage of another act by which grand jurors should be paid for their services from the fines collected of criminals. Such were the changes prayed for by the convention. Through some inadvertence, those who were charged with the care of the petition delayed so long to send it to the Colonial Legislature, that when they would fain have retrieved their neglect, they found that that body had held its last session, and declared its final adjournment. Another circumstance had also occurred which rendered the contemplated reforms unnecessary. The courts of Cumberland county had been stopped by violence, and Providence had effected the desired changes in a manner far different from that which had been contemplated by man.*

* The petition, of which a synopsis is given in the text, was sent by Elijah Grout of Windsor, to Samuel Wells, Noah Sabin, Nathan Stone, Benjamin Butterfield, Samuel Gale, Samuel Knight, and Jonathan Stearns, who, previous to March 18th, 1775, were the principal officers in the courts of the county. Grout's letter accompanying the petition, was dated April 15th, 1775, and at that time, those whom he addressed had just reached New York, after having been detained in prison nearly a month.—Brattleborough Semi-Weekly Eagle, Thursday, December 6th, 1849.

CHAPTER IX.

THE "WESTMINSTER MASSACRE."

An Ante-Revolution Event—Westminster—The "Street"—The Old Meeting-house—The Pulpit—The Sounding-board—The Powder-hole—The Whips—The Collection-box—The Choir—The Foot-stove—The Burying-ground—The Grave of William French—The Epitaph—Condition of the Colonies before the Revolution—The Feeling in Cumberland County—Distrust of the Courts—Remonstrance with Judge Chandler—The Whigs assemble at Westminster—Scenes of the Night of March 13th—Norton's Tavern—The Sheriff's Posse—The Attempt to enter the Court-house—The "Massacre"—The Frolic—The Statement of Facts—Couriers—The Gathering—Appearance of the Court-house—Inhuman Suggestions—Excitement of the Yeomanry—Robert Cockran—Treatment of the Tories—Sketches of the Liberty-men—William French—His Character—Reminiscences concerning him—His Death—The Inquest—The Burial—Daniel Houghton—Jonathan Knight—Philip Safford—Tory Depositions—Weapons of the Whigs—Incidents connected with the "Massacre"—Joseph Temple—John Hooker—John Arms, the Poet—The "Massacre" in Rhyme—Thomas Chandler, Jr.—The Punishment of the Court Officers—Their Imprisonment—Their Release—Action of the Legislature of New York—Lieutenant-Governor Colden's Message—Appropriation of £1,000—Colden to Lord Dartmouth—The Influence of Massachusetts Bay in producing the "Massacre"—What justifies an Insurrection!—Claims of William French to the title of the Proto-martyr of the Revolution.

Among the important events immediately preceding and connected with the war of the Revolution, which served to show the feelings of the great mass of the American people, and prognosticated the impending struggle, none has been buried in deeper obscurity than that which occurred at Westminster, on the night of the 13th of March, 1775. In some minds, the words "Westminster Massacre" may perchance awaken recollections of the venerable grandsire, who, with his descendants gathered around him,

"Wept o'er his wounds, and tales of sorrow done,
Shouldered his crutch, and showed how fields were won;"

or who, during the long winter evenings, was wont to depict, in his own expressive language, to the listening group, the scenes of the battles of Bennington or Saratoga, or, it may be, those of the night to which allusion has been made. The descendants of a revolutionary ancestry who have been thus favored, will not forget the glow which burned on the countenance of the old patriot, nor the enthusiasm with which he referred to these and similar events, as the greatest eras in his own life and in the history of his country. To the minds of others, these words may convey but little meaning beyond their etymological signification.

When we consider the hardy character of the early settlers on the western banks of the Connecticut, their uncompromising hatred of oppression, and their holy love of freedom—which principles, originating in Massachusetts and Connecticut, had, among the hills of the adopted province, attained their full strength and reached their complete proportions—when we reflect on these considerations, we need look no further for the cause which obtained for Vermont the honor—though late accorded, yet none the less real on that account—of being the State which gave to the American States the proto-martyrs of American independence.

The most casual observer, as he passes through the towns in the south-eastern part of Vermont that border the shores of the Connecticut, cannot but notice the picturesque beauty which distinguishes, in so marked a degree, the location of Westminster. The east village, to which particular reference is made, stands principally on an elevated plain, nearly a mile in extent, divided by a broad and beautiful avenue, along whose sides are built the comfortable and commodious dwellings of the inhabitants, back of which to the hills on the one side, and the river on the other, extend rich farms and fertile meadows. Seldom is there any noise on the "Street" at Westminster. It does not resemble Broadway, nor does it find its representative on State street at Boston. The schoolboy, it is true, shouts at noon-time and even-tide, and the shrill whistle of the engine screams through the neighboring valley, a reminder of the whoop of earlier days. But these appertain to almost every place, and tell of the universality of steam and the schoolmaster.

Of those objects in this quiet village which would most naturally attract the attention of an admirer of the infant civilization of the past century, none is more prominent than

the old meeting-house. This building was commenced in 1769, and was completed in the year following. The superintendence of the work was given to a man named Brown, who dwelt at Westmoreland, New Hampshire, and who fulfilled his contract to the satisfaction of his employers. The church was formerly placed, as was the custom of the times, in the middle of the high road, but it was afterwards removed, and now stands on the line of the street. For many years the people of the village, united in faith and doctrine, were accustomed to assemble within its walls, for the purpose of worshipping in conformity with the usages of the New England Congregationalists,* but when, in the lapse of time, some of the people had embraced an oppugnant belief, vexatious disputes arose as to which of the two denominations should have possession of the building. In the end, a new edifice was erected by



The Westminster Meeting-house.

the Congregationalists, and their opponents, after retaining possession of the original structure for a few years, left it tenantless. Thus it remained for years undisturbed, except on town-meeting and election-days, and by the occasional visits of the peering antiquarian, the summer loiterer, or the leisurely-going traveller.

* The first minister settled in Westminster, is said to have been a man by the name of Goodell, and the year 1766 or 1767 is generally regarded as the time of his coming. Tradition affirms, that his wife was the daughter of a man distinguished in the annals of New Hampshire. In the year 1769 his faithlessness to her became known, and this discovery was soon after followed by his secret departure from the town. Mrs. Goodell's brothers, on being informed of these circumstances, took her and her two children to their home in New Hampshire, and made provision for their future support. It is not known who first occupied the pulpit of the "old meeting-house." Mice—those lovers and digesters of literature of every kind, sacred and profane—have destroyed the early records of the church, and the memory of the oldest inhabitant is at fault to supply the blank thus occasioned. The division in the church at Westminster is, with a few modifications, the history of almost all the religious societies in New England. The causes which led to the formation of Christian unions were identical, with a few exceptions, in all, and the same is also true of the causes which in the end created dissensions and division.

Although lately used for educational purposes, it still stands a model of its kind, a monument of former days. Its architecture is simple, and the soundness of its timbers bears witness to the excellence of the materials which were used in its construction. Within, all is strange to the eye of a modern. The minister's desk, placed directly in front of the huge bow-window, is overshadowed by the umbrella-like sounding-board, from which, in former days, words of wisdom and truth were often reverberated. Our ancestors were a frugal people. They regarded the air, not as an element in which to waste words, but as a medium by which ideas were to be conveyed; and in order that nothing, especially of a sacred character, should be lost, they fell upon this contrivance, designed to give to the hearer the full benefit of all that the preacher might choose to utter. As one stands beneath this impending projection, a stifling sensation will steal over the senses, and a ludicrous dread lest its massiveness may descend and crush him as he gazes, is not entirely absent from the mind. One might also feel like comparing it in situation, with the sword of Damocles. But otherwise, the comparison fails, for the hair which holds it is a bar of iron, and the structure itself bears a striking resemblance to a stemless toadstool. Modern theologians might find in it a personification of the cloud which in ancient times overhung the mercy-seat, and this, perhaps, is the most orthodox view in which it can be regarded.

Underneath the pulpit is a small apartment, in which the powder and lead belonging to the village were usually stored. Who can describe the feelings which now and then must have shot across the mind of the preacher, or imagine the nature of his secret thoughts, as Sunday after Sunday he warned his hearers of the dangers of this world and besought them to seek for safety in the next, while latent death lay barrelled beneath his feet? Immediately in front of and below the desk, are arranged the benches where once sat the deacons. Beside them, stood long whips, with which they were wont to drive from the temple the farmers' dogs which would sometimes intrude during the protracted service. Terrible instruments were these long whips to the little boys, and the least wriggle of their utmost tip, although caused by the breathing of some kind-natured zephyr, was more potent to them than the most pointed denunciations winged with fire and sulphur, and impelled by the breath of "brazen lungs." Above the deacons'

seats, on a couple of nails, rested a pole, at the end of which was attached a silken pouch. This was the collection-box, which, like the spear of Ithuriel, brought forth from those whom it touched, solid, though, not always willing confessions, to the cause of truth.

If there were any exercises of the sanctuary, which more than others received attention, it was those which were under the care of the village choir. There sat the young men clad in homespun and the young women gay in ribbons, occupying the whole front of the long gallery, and at the announcement of the hymn, the confusion into which they would be thrown, might have appeared to a stranger to be almost inextricable. The loud voice of the choragus proclaiming the page on which the tune was to be found in the selection "adapted to Congregational Worship by Andrew Law, A.B.," the preparatory scraping of the fiddle with a "heavenly squeak," or the premonitory key-note of the flute as it went

" — cantering through the minor keys,"

always afforded infinite amusement to the young children, and were regarded by the old men as necessary evils, to be endured patiently and without complaint. Then would succeed a moment of silence, to be broken by the discordant harmony of ear-piercing falsettos, belching basses, and airs, by no means as gentle as those which float

" — from Araby the blest."

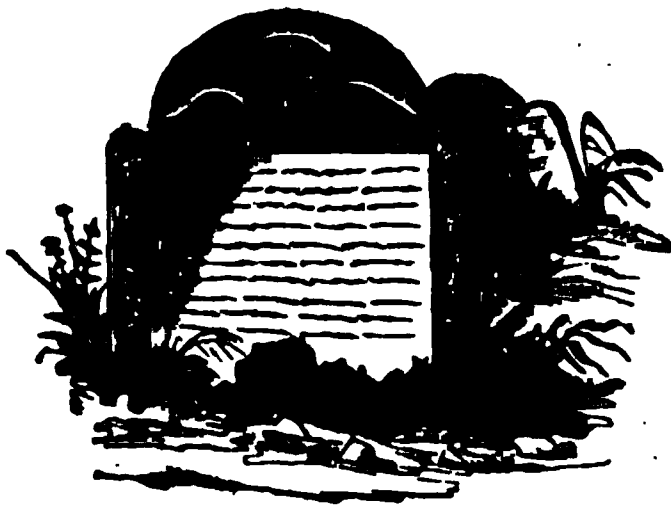
But the music was inspiring, if not to the listeners, yet to the performers; and when the excited fiddler, who was also the leader, became wholly penetrated with the melodies which his vocal followers were exhaling, regardless of the injunction of the minister to "omit the last stanza in singing," he would, with an extra shake of his bow and a resonant, Young America "put her through," conclude the hymn as the poet intended it should end, winding up with a grand flourish, the intensity of which was sure to excite, even in the breasts of the "oldest fogies," the most ecstatic fervor.

For years, every old lady used regularly to bring her footstove to meeting, and the warmth of her feet was of great service, no doubt, in increasing the warmth of her heart. But

when a new-fashioned, square-box, iron stove was introduced within those sacred precincts, with a labyrinth of pipe, bending and crooking in every direction, the effect was fearful. Two or three fainted from the heat it occasioned, and shutters sufficient would not have been found to convey the expectant swooners to more airy places, had not an old deacon gravely informed the congregation, that the stove was destitute of both fire and fuel.

Just beyond the meeting-house lies the old burying-ground, crowded with the silent dwellers of the last hundred years. These tenants pay no rent for their lodgings, and shall never know any reckoning day but the last. The paradises of the dead which are found to-day in the suburbs of almost every American city, speak well for the taste and refinement of the age; but beautiful as they may be, there is a coldness around them of which the marble piles that adorn them are fitly emblematic. More acceptable to a chastened taste, is the village graveyard with its truthfulness and simplicity. The humble stone, with its simple story simply told, conveys to the contemplative mind a pleasanter impression than the monument with its weary length of undeserved panegyric. There is a quaintness, too, in the old inscriptions, which is more heart-touching than the formality and stiffness of the epitaphs of a modern diction. Sometimes, too, there is noticed an original or phonetic way of spelling; and again, when poetry is attempted, the noble disdain of metre which is often seen, is sure evidence that Pegasus was either lame or was driven without bit or bridle.

Enter now this old burial-place. At the right of the path, but a short distance from the gate, stands an unpretending stone, not half as attractive by its appearance as many of its fellows. Some there are, who, like Old Mortality, take a certain innocent pleasure in endeavoring to preserve these milestones to eternity from the decay of which they are commemorative. Such may be the inclination of the reader. Stop then for a moment in this consecrated spot. Brush off the moss which has covered with verdure



The Grave of William French.

the letters of this simple slate stone. Put aside the long grass which is waving in rank luxuriance at its foot, and now read its patriotic record:

“IN Memory of WILLIAM FRENCH.

Son to Mr, Nathaniel French. Who
Was Shot at Westminster March y^e 13th,
1775. by the hands of Cruel Ministereal tools.
of Georg y^e 3d, in the Corthouse at a 11 a Clock
at Night in the 22d, year of his Age.

HERE WILLIAM FRENCH his Body lies.

For Murder his Blood for Vengance cries.

King Georg the third his Tory crew
tha with a bawl his head Shot threw.

For Liberty and his Countrys Good.
he Lost his Life his Dearest blood.”

Starting with the indignant language of this epitaph as a text, it will not be amiss to explain its meaning, and collate some of the circumstances connected with the tragedy to which it refers. A correct estimate of the feelings of many of the inhabitants of Cumberland county, may be formed from the conduct of the people of Dummerston in the rescue of Lieut. Spaulding, as related in the preceding chapter. The fuel which success on that occasion added to the flame which before was not dimly burning, did not fail to increase a desire to attempt other and more important deeds.

By the old French War, and by the depreciation of bills of credit consequent thereupon, many, in all the colonies, had become reduced in their circumstances. The sufferers were mostly those who had been officers or soldiers in the colonial service, and who now returning from their toils and struggles, found themselves weakened by suffering, their families starving around them, parliamentary acts of unusual severity enforced in the cities, creditors clamoring for their dues, and their own hands filled with paper-money worthless as rags, to pay them with. “In Boston,” remarks an historian of those times, “the presence of the royal forces kept the people from acts of violence, but in the country they were under no such restraint. The courts of justice expired one after another, or were unable to proceed on business. The Inhabitants were exasperated against the Soldiers, and they against the Inhabitants; the former looked on the latter as the instruments of tyranny, and the latter on the former as seditious rioters.”* In Cumberland

* MS. History of the American Revolution, among the papers of Governor William Livingston, of New Jersey, chap. iv. p. 75, in N. Y. Hist. Soc. Lib.

county, the higher civil officers had received their appointments directly from the Legislature of New York, and still remained, as they had ever been, loyal to the King. For these reasons, and because the Colonial Assembly had refused to adopt the "non-importation, non-consumption, and non-exportation" association, there were many in the county who mingled with their enmity to Great Britain a dislike to the jurisdiction of New York and to the officers of her choice. The unfriendliness of these feelings was in no wise diminished by the disputes in regard to land titles, which since the year 1764 had at times disturbed the equanimity of the people.

As may have been already inferred from the reforms which had been proposed, the maladministration of the courts of justice in the county had become almost insufferable. So unhappy was the feeling between the people on the one hand, and the judges, sheriff, and other officers of the court, and their adherents, on the other, that the former were generally stigmatized as "the Mob," while the latter assumed the title of "the Court Party." But the time had now come when the Whigs, as the mob preferred to be called, must assert their rights as freemen, or submit to the oppressive sway of the Tories, as they chose to call their opponents. Already had the Tories begun to plan in secret measures by which "to bring the lower sort of the people into a state of bondage and slavery." "They saw," says a narrator of the events of this period, "that there was no cash stirring, and they took that opportunity to collect debts, knowing that men had no other way to pay them than by having their estates taken by execution and sold at vendue." By an abuse of law whose object was to afford just protection, they were endeavoring to obtain an unlicensed sway in the management of the affairs of the county. Vexatious suits ensued, and many were imprisoned, contrary to the laws of the province and the statutes of the crown.

Of the acts and resolves of Congress the office-holders in the county would on some occasions express approbation, and advise obedience to them until the General Assembly should otherwise order. Anon, they would declare that it was well enough for "the Bay Province" to pursue such measures, but "childish" for the people of Cumberland county "to pay any regard to them." A few going a step further, would assert that the King "had a just right to make the revenue acts, for he had a supreme power;" and would denounce those who said

differently, as "guilty of high treason." The "good people" were of opinion that men who held such sentiments "were not suitable to rule over them."

As has been previously said, the General Assembly of the province had rejected the Association of the Continental Congress. On the other hand, the inhabitants of the county had, in open convention, adopted it. By its fourteenth article, they had resolved to have "no trade, commerce, dealings, or intercourse whatsoever, with any colony or province in North America" which should not accept of, or which should in the future violate the association, and had promised to hold such as should act thus, "as unworthy of the rights of freemen, and as inimical to the liberties of their country." For these reasons they judged it "dangerous to trust their lives and fortunes in the hands of such enemies to American liberty," or to allow men who would betray them to rule in their courts of justice. Thus was their determination taken. In duty to God, to themselves, and to their posterity, they resolved "to resist and to oppose all authority that would not accede to the resolves of the Continental Congress."*

Such was the state of feeling in Cumberland county immediately previous to the commencement of the Revolution. Determined to evince by action the principles which they had openly avowed, the Whigs resolved that the administration of justice should no longer remain in the hands of the Tories, and the 14th of March, 1775, the day on which the county court was to convene at Westminster, was fixed upon as the time for carrying into execution their plans. Anxious to free themselves from the charges of haste and rashness, and to proceed as peaceably as possible, they deemed it prudent to request the judges to stay at home. For this purpose, on the 10th of March, "about forty good, true men" from Rockingham, visited Col. Thomas Chandler, the chief judge, at his residence in Chester. To their expostulations he replied that "he believed it would be for the good of the county not to have any court, as things were," but added, that there was one case of murder to be tried, which should be the only business transacted, if



* Slade's Vt. State Papers, 56. Journals Am. Cong. i. 25.

such was the wish of the people. One of the company then remarked that the sheriff would oppose the people with an armed force, and that there would be bloodshed. The colonel declared, "he would give his word and honor," that no arms should be brought against the people, and said that he should be at Westminster on the day previous to the opening of the court. His visitors informed him that they would wait on him at that time, "if it was his will." He assured them that their presence would be "very agreeable," returned them "hearty thanks" for their civility, and parted with them in a friendly manner. Noah Sabin, one of the associate judges, firm in the performance of what he deemed his duty, was very desirous that the court should sit as usual. Many of the petty officers of the court were of the same opinion. Samuel Wells, the other associate, was, as representative, in attendance on the General Assembly at New York. Among the leaders of the Whigs there was much debate as to the course they should pursue in carrying their plans into execution. Depending on the statements of Judge Chandler, they at first decided to let the court assemble, and then to lay before it their reasons for not wishing it to sit. But having heard that the Tories were resolved to take possession of the court-house with armed guards, they changed their plans, and determined to precede them in occupation, in order that they might make known their grievances before the session should be regularly opened.

The intentions of the Whigs soon became known, especially in the southern towns of the county. On Sunday, March 12th, the day previous to the night of the "massacre," William Paterson, the High Sheriff, in conformity with the views of Judge Sabin

Wm. Paterson

and others, went to Brattleborough, and desired the people to accompany him on the following day

to Westminster, that he might have their assistance in preserving the peace, and in suppressing any tumult that might arise. To his proposal a number assented, and on the 13th, about twenty-five of the inhabitants unarmed, except with clubs, attended him to Westminster. On the road they were joined by such as were friendly to them, and the destructive power of the company was increased by the addition of fourteen muskets. On the afternoon of the same day, a party of Whigs from Rockingham arrived at Westminster. On their way down to

the Court-house they halted at the house of Capt. Azariah Wright. But the log dwelling in which the captain resided was too small to accommodate them. They therefore repaired to the log school-house, which was situated on the opposite side of the "street," and there entered into a consultation as to the best manner in which they could prevent the court from sitting. Having finished their conference, they armed themselves with sticks, obtained from Capt. Wright's wood-pile, and continued their march. On their way they were joined by a number of the inhabitants of Westminster, armed like themselves with cudgels, and having gained the point of destination, the whole party numbering nearly a hundred entered the Court-house between the hours of four and five, with a determination to stay there until the next morning, that they might present their grievances to the judges at an early hour, and endeavor to dissuade them from holding the court. Soon after this, and a little before sunset, Sheriff Paterson marched up to the Court-house at the head of a body of sixty or seventy men, some of whom carried "guns, swords, or pistols," and others clubs or sticks.

When the sheriff had approached within about five yards of the door, he commanded the "rioters" to disperse. To this order the Whigs made no reply. Finding that he should not be able to gain admittance to the building by ordinary means, as the Whigs had placed a strong guard at all the entrances, he caused the "King's proclamation" to be read, and ordered the "mob" to depart within fifteen minutes, threatening, in case of refusal, to "blow a lane" through them, wide enough to afford an easy exit for all whom the bullets might spare. The Whigs, in reply, made known their firm determination to remain where they were, but at the same time informed the sheriff that he and his men might enter without their arms, but on no other condition. At this juncture, one of the Whigs advancing a little from the doorway, turned to the sheriff's party and asked them "if they were come for war?" adding, that he and his friends had "come for peace," and should be glad to hold a parley with them. Upon this, Samuel Gale, the Clerk of the Court, drew a pistol, and holding it up, exclaimed, "damn the parley with such damned rascals as you are. I will hold no parley with such damned rascals but by this," referring to the pistol. Both parties being by this time much exasperated, a wordy encounter ensued, in which the clerk and the sheriff

found their equal in the tongue of Charles Davenport, a skilful carpenter from the patriotic little village of Dummerston; for when the Tories informed the "rioters" that they "should be in hell *before morning*," the ready carpenter replied, that if the sheriff should offer to take possession of the Court-house, the Whigs "would send him and all his men" to the same place "*in fifteen minutes*." The Tories now drew off a short distance, and seemed to be engaged in consultation. Regarding this as a favorable sign, the Whigs deputed three of their men to treat with them. But they soon returned, wiser only in being assured that they were "damned rascals."

About seven o'clock in the evening, Judge Chandler came into the Court-house, and was immediately asked whether he and his associate, Sabin, would consult with a committee of the Whigs as to the expediency of convening the court on the morrow. To this inquiry Chandler replied, that the judges could not enter into a discussion as to "whether his Majesty's business should be done or not, but that if they thought themselves aggrieved, and would apply to them in a proper way, they would give them redress if it was in their power." A conversation then ensued between Chandler and Azariah Wright of Westminster, who for several years had been the captain of the militia of that town, and was now the leader of the Whigs. To the statement that arms had been brought to the Court-house by the Tories, when he had given his word that such an act should not be tolerated, Chandler answered, by acknowledging the truth of what was said, but declared that this proceeding had been without his consent. To prevent an outbreak, he gave his pledge that the Tories should be deprived of their weapons, that the Whigs should "enjoy the house" without molestation until morning, and that the court would then assemble and hear what those who were aggrieved might wish to offer. Having made these promises, he departed. The Whigs thereupon left the house, and chose a committee who drew up a schedule of the subjects in regard to which they should demand redress from the court. The report was then read to the company, and was adopted without any dissent. After this Capt. Wright and his associates went, some to their homes, some to the neighboring houses, leaving, however, a guard in the Court-house to give notice in case an attack should be made in the night. The sheriff, that he might increase his own forces as much as possible, sent word to all

the Tories in the neighborhood to join him without delay, and that he might lessen the power of his opponents, arrested such of the Whigs as he could take without endangering himself.

Meantime the majority of the sheriff's posse having assembled at Norton's tavern*—the Royal inn of the village—were holding a consultation as to the

course they should pursue, and over their punch-bowls, filled in honor of George III., were deciding the fate of the "rebels." Loudly they talked of the spirit of anarchy which, originating in the disturbances of the stamped paper act of 1765,



John Norton's Tavern.

was now culminating in general dissatisfaction. Heated by their angry discussions, and inflamed by their deep potations, they were more than ready to perform the deeds of which the following hours were witness. Nor was their leader dissatisfied to find men so willing to second his murderous intentions.

Ceasing from their revelry, they, at the command of the sheriff, left the tavern in small parties, and proceeded stealthily up the hill on whose brow stood the Court-house. Unobserved as they supposed in their approach, they reached the building, and at the hour before midnight presented themselves at its doors, armed, and prepared for action. But the waning moon, tipping their bayonets with her light as they marched, had

* This tavern, which is still standing, was probably built as early as the year 1770, and was kept for many years by its owner, John Norton, who for that period was a man of wealth and influence. He belonged to an Irish-Scotch family, who in Ireland were accustomed to write the name MacNaughton. When John removed to Westminster, he omitted the prefix, and changed the orthography of the surname. After this alteration, nothing would more offend him than to be addressed by his former name. He secretly favored the cause of Great Britain during the Revolution, and was generally regarded as a Tory. Being in conversation with Ethan Allen concerning Universalism at the time of the introduction of that doctrine into Vermont, Norton remarked concerning it, "that religion will suit you, will it not, General Allen?" "No, no," replied Allen, in his most contemptuous tone, "for there must be a hell in the other world for the punishment of Tories."

warned the sentry of their coming, and they now found guards stationed at the doors, ready to dispute with them the passages which they had hoped to find undefended. Advancing towards the door, the sheriff demanded entrance in his Majesty's name. His words were without effect. He then informed the "rioters" that he should enter, quietly if he could, or if necessary, by force, and commanding the posse to follow him, proceeded to do as he had said he would. Having gained the uppermost of the three steps, which from the outside afforded approach to the main door, he was pushed back by the guards stationed to defend it. Recovering, he renewed the attempt, but with no better success than before. To the second repulse were added blows from the clubs of the "rioters," which, though comparatively harmless, served to exasperate him on whom they fell. The sheriff now ordered his men to fire, and three guns were discharged, yet with so high an aim that the balls passed above the heads of those in the house, and lodged in the upper parts of the rooms. At the second fire the aim was lower, and the sentries were driven from their posts. The assailants having in this manner effected an entrance, pushed forward with "guns, swords, and clubs," and in the quaint words of an eye-witness, "did most cruelly mammoc" such as opposed them. Crowded in the narrow passages of the lower story of the building, on the stairs, and among the benches of the court-room, the hostile parties amid total darkness sustained for a time a hand-to-hand conflict. But the strife was of short duration. The shouts of the sheriff and his men soon announced that their deadly weapons and superior numbers had given them the victory.

Some of the Whigs escaped by a side passage; ten were wounded, two of them mortally, and seven were made prisoners. Of the sheriff's posse, two received slight flesh wounds. In the south-west corner of the Court-house, on the lower floor, was a bar-room, arranged most conveniently for those among the "judges, jury-men, and pleaders," who were inclined to be bibacious. The Tories, who immediately before the assault had aroused their courage by copious draughts, not only at the Royal tavern but at this place also, now renewed their drinking-bout, being served by the jailor, Pollard Whipple, who also acted in the capacity of bar-tender, and a brawling frolic was kept up until morning. Meanwhile the wounded and suffering prisoners, crowded in two narrow, dungeon-like rooms, destitute of the necessities which their situation demanded,

and deprived of light and heat, were compelled during the long and dark watches of the night, to bear the insane taunts of the victors, and listen to their vile abuse.

On the morning of the 14th, all was tumult and confusion. The judges, however, opened the court at the appointed hour, but instead of proceeding with business, spent the little time they were together in preparing "a true state of the Facts Exactly as they happened," in the "very melancholy and unhappy affair" of the evening previous. This account, which was in the main fair and impartial, was dated "in open court," and was signed by Thomas Chandler and Noah Sabin, judges; Stephen Greenleaf and Benjamin Butterfield, assistant justices; Bildad Andross, justice of the peace; and Samuel Gale, clerk of the court. It closed with this appeal:—"We humbly submit to every Reasonable Inhabitant, whether his Majesty's courts of justice, the Grand and only security For the life, liberty, and property of the publick, should Be trampled on and Destroyed, whereby said Persons and properties of individuals must at all times be exposed to the Rage of a Riotous and Tumultuous assembly, or whether it Does not Behove Every of his Majesty's Liege subjects In the said county, to assemble themselves forthwith for the Protection of the Laws, and maintenance of Justice." Public feeling being much excited, the judges did not deem it prudent to call the docket, and adjourned the court until three o'clock in the afternoon. This adjournment was on the same day continued until the June term. But the court had seen its last meeting. The second Tuesday in June came, the judges have never held the session appointed for that occasion.

Meanwhile, the Whigs who had been driven from the Court-house by the sheriff's party had not been idle. Messengers were despatched in every direction to carry the news and procure assistance. Dr. Jones, zealous in the cause of liberty, rode hatless to Dummerston, and others performed longer journeys with as little preparation. As in olden times, when the Cross of Fire—the emblem of impending war—was borne from village to village, so now, at the approach of the courier—

"In arms the huts and hamlets rise;
From winding glen, from upland brown
They poured each hardy tenant down.

* * * * *

The fisherman forsook the strand,

The swarthy smith took dirk and brand;
With changed cheer, the mower blithe
Left in the half-cut swathe his scythe;
The herds without a keeper strayed,
The plough was in mid-furrow stayed;
Prompt at the signal of alarms,
Each son of freedom rushed to arms."

By noon, more than four hundred persons had assembled in Westminster, of whom about one-half were from New Hampshire. One company from Walpole was commanded by Capt., afterwards Col. Benjamin Bellows, of revolutionary distinction. Capt. Stephen Sargeant brought his company from Rockingham. Guilford furnished an organized band, and the Westminster militia were in full force under their old leader, Azariah Wright. Such a body as this, the adherents of the court were not prepared to encounter. Those of the Whigs who had been imprisoned the night previous, were soon liberated, and before evening the judges with their assistants, and such of their retainers as could be taken, were placed in arrest. The court-room in which they were confined, and which had been the scene of a part of the struggle, presented a spectacle which told but too plainly of the rage which had characterized the actions of the combatants. The benches were broken, and the braces, timbers, and studs of the unfinished room, were cut and battered by the bullets which had been fired by the Tories, after they had obtained entrance into the building. Blood was to be seen in the passages, and the stairs were stained with stiffened gore. Visitors curious to see how judges and justices appeared in prison, were admitted, four or five at a time. As night set in, the darkness seemed to render the Whigs furious. Many who had come from Dummerston and Putney "were instant with loud voices," requiring that the judges should be brought out before them, and compelled to "make acknowledgements to their satisfaction;" that the Court-house should be pulled down or burned, and that all who had been engaged in "perpetrating the horrid massacre" should be put in irons. They even went so far in their exasperation, as to vow they would fire upon every person they should find in the Court-house, who had participated in the scenes of the preceding night. These inhuman suggestions, although seconded by the leader of the Guilford militia, and winked at by Dr. Jones, met with a strong opposition from Capt. Bellows. Firm in the cause of the people, he did not forget what was

due to justice. Inflexible in his purpose, he appeared as the guardian of rights, and while he desired the punishment of the prisoners in a legal manner, he took especial care that they should suffer no violence at the hands of infuriated men.

The morning of the 15th brought with it a renewal of the scenes and feelings of the day before. In one part of the town, Leonard Spaulding, the Dummerston farmer, who a few months previous had been committed "to the Common goal for high treason against the British tyrant, George the Third," was busily engaged in examining all persons who he suspected had come to reinforce the sheriff's party. In another quarter, the beating of a drum heralded the approach of Solomon Harvey, "Practitioner of Physic," at the head of a body of three hundred men. In the centre walked four of the sheriff's posse, who had been intercepted on their way home. The whole party halted in front of the Court-house. An investigation was had, which ended more favorably than the poor prisoners had expected. The stern old doctor disarmed them, and dismissed them with a pass signed with his own name, to which was prefixed the title of Colonel.

Loud and deep were the curses which the yeomen, as they gathered from hill and valley, poured forth, when they had been correctly informed of what had occurred. Some were anxious to riddle the Court-house with ball, others begged that the sheriff might be placed in their power, so that they might punish him as it should please them. One man, with a demoniacal grin, declared that "his flesh crawled to be tomahawking" the prisoners, and frequent was the wish that murderers might be treated as such. To the presence of Capt. Bellows the officers of the court owed the security which they enjoyed, amid this maelstrom of human passion. A legal inquest having been held on the body of William French, and the guilt of his death having been charged upon the sheriff and some of his party, he and those who were already imprisoned with him were put in close confinement. On the evening of the same day, Robert Cockran, who had rendered himself conspicuous in being engaged with Ethan Allen in persecuting his Bennington neighbors who had settled under charters from New York, reached Westminster, having left his residence on the other side of the mountains, as soon as he had received information of the movements of the hostile parties. Armed with sword and pistols, he entered the village at the

head of forty or more of the Green Mountain Boys. A year before, Governor Tryon had offered a reward of fifty pounds for his arrest. As he advanced, he tauntingly asked of those who he supposed were favorers of the court party, why they did not take him, and obtain the compensation. In loud tones he declared his intentions of seizing certain men who had aided the sheriff, provided "they continued upon earth," and in an incorrect citation from Scripture, expressed a determination of ascertaining "who was for the Lord, and who was for Balaam."

Mrs. Gale having obtained an opportunity of speaking with her husband, was requested by him to inform her mother of his imprisonment, and transmit the same information to her father, Col. Wells, and to Crean Brush, who, as representatives, were then in attendance on the General Assembly in the city of New York. This message having been delivered to Mrs. Wells at Brattleborough, she immediately made arrangements with Oliver Church of that town, and Joseph Hancock, of Hopkinton, Massachusetts, to act as couriers, and a little after midnight they started on their journey.*

By the morning of Thursday, the 16th, "five hundred good martial soldiers, well equipped for war," had assembled in Westminster, besides others who had come as private citizens. After consultation, it was decided that some permanent disposition ought to be made of the prisoners then in jail. In order to satisfy the people who had collected, a large committee was chosen to represent them, which committee was composed both of residents and non-residents of the county. The accused were then examined, and a decree was passed that those who had been the leaders in the "massacre" should be confined in the jail at Northampton, Massachusetts, until "they could have a fair trial." Those who were less guilty, were required to give bonds with security to John Hazeltine, to appear at the next court of Oyer and Terminer to be holden in the county, and on these conditions were released. Meantime the town became so much crowded with visitors, that there were not houses or barns sufficient to shelter them, and food enough to support them was with difficulty obtained. It was not until the follow-

* They arrived at New York on the following Monday, having been one hundred and ten hours in travelling a distance which is now accomplished in an eleventh part of that time. John Griffin, Arad Hunt, and Malachi Church, were afterwards sent express to the same place with confirmatory information.

ing Sunday that preparations could be completed for conveying the prisoners down the river. In this interval they were visited by hundreds of those whom they had formerly oppressed, and who, now that their persecutors were bound, were ready to return upon them the bitterness which they had so lavishly expended when in power.

Regarding the Whigs or Liberty-men who were killed and wounded in the affray, the following facts have been collected. William French,* son of Nathaniel French, resided in Brattleborough, but so near the southern line of Dummerston, that he was sometimes claimed as an inhabitant of that town.† In the

* Many of the facts in this biographical notice were obtained from the Honorable Theophilus Crawford, of Putney, who was born at Union, Connecticut, April 25th, 1764. In the year 1769, his father, James Crawford, moved with his family to Westminster. At that time no large boats ran above Hadley Falls, and the journey thence up the river, was performed in a log boat or canoe. On the evening of May 25th, the adventurers made Fort Dummer, in the midst of a heavy rain-storm. This old defence was then inhabited by the French family. As soon as the arrival of the strangers had been made known, William French hurried down to the boat, took the little Theophilus in his arms, and carried him to the fort. Here the young traveller spent the first night of his Vermont life. On reaching Westminster, James Crawford took up his abode in a log building which formerly stood on the site of the residence of John May, Esq., lately deceased. At the time of the "massacre," he lived in the west part of the town. He was present at the burial of French, having previously assisted in laying out the corpse. On the morning after the affray, Luke Knowlton of New Fane, who was then a favorer of the court faction, set out with eleven others on his return home. Passing along a cross-road leading from Westminster to New Fane, the party stopped at the house of James Crawford, and asked for something to drink. Mrs. Crawford, whose sentiments were the same as her husband's, replied, "we have no drink for murderers," and refused compliance with the request. Knowlton, who was a polite man, bowed as this answer was given, and went his way, as did his companions theirs, thirsting. Theophilus Crawford was a member of the Council from 1816-1819; held the office of sheriff of Windham county in the year 1819; received the appointment of delegate to the State Constitutional Convention in 1822; and represented the town of Putney in the Assembly at the session of 1823. His death occurred in January, 1856.

† When, in the year 1784, Theophilus Crawford was on his way to Guilford to assist in quelling the disturbances which had arisen from the insubordination of the "Yorkers," he stopped at the French house, then "the most north-eastern dwelling in Brattleborough." Mrs. French, who was still living, and in whose mind the remembrance of the loss of her son was still fresh, entreated him not to expose himself to the rage of the enemy, and warned him to shun the dangers which threatened him from the infuriated "Guilfordites." Her fears, though more imaginary in this instance than real, afford a proof of the terror with which she must at all times have regarded the scenes of that March night—a night so fatal to her highest and best expectations. The site of the French house forms a portion of the farm which is now familiarly known as "the Old Wellington Place," and is on the right hand side of what was, a few years ago, the stage road.

census of 1771, his father's name appears in the lists of both towns. The people of Brattleborough who lived in his immediate neighborhood, were mainly favorers of the court party, and "some of them were in the sheriff's band, that officer being himself an inhabitant of that town." As for young French, his principles were those which he had received from his father.* Finding sympathy in the opinions of the liberty-loving people of Dummerston, he generally acted with them on questions relating to the public weal. He held no official station, but appears to have been much esteemed for his bravery and patriotism, "and the treatment he afterwards received from his opponents, sufficiently attests how much they feared his influence." At the time of his death he was not twenty-two years of age. In person, he was of a medium size and stature, and in the words of one who knew him, was esteemed as "a clever, steady, honest, working farmer." He had come to Westminster with a number of others, his companions, in order to obtain and secure what he had before supposed he had a right to demand, namely, the privilege of being governed by sound laws and sound principles, and of restraining the advance of oppression. Being, undoubtedly, more ardent than others in expressing and enforcing his sentiments, he was among the first to attract attention, and in the issue was most mercilessly butchered. He was shot with five bullets in as many different places. One of the balls lodged in the calf of the leg, and another in the thigh. A third striking him in the mouth, broke out several of his teeth. He received the fourth in his forehead, and that which caused his death, entered the brain just behind the ear. In this horrible condition, still alive, he was dragged like a dog to the jail-room, and thrust in among the well and wounded. So closely was the prison crowded, that those who would have gladly bound up his wounds and spoken peace and consolation to the soul that still lingered in that bleeding and mangled body, were unable to act their wishes. Through the prison doors, his enemies vented their curses upon him, telling him that they wished "there were forty more" in his condition, and shouting to his companions "that they should all be in hell before the next night." When execration failed, they mocked him as he gasped for the failing breath, and made "sport for

* At the Westminster Convention, held February 7th, 1775, Nathaniel French was chosen to represent Brattleborough in the Standing Committee of Correspondence.

themselves at his dying motions." Between the hours of three and four on the next morning, Dr. William Hill, of Westminster, was allowed to visit him ; but assistance had come too late. Death had released the martyr from his sufferings.* On the day after the affray the name of French was on every lip, and hundreds visited his corpse, anxious to

"———dip their napkins in his sacred blood ;
Yea, beg a hair of him for memory,

* Calvin Webb, of Rockingham, whose retentive memory supplied several facts which have been, and others which will be recorded, and who was nearly eighteen years old when the events above narrated occurred, has said : " At the time of the Court-house affray, I lived in Westminster, but was not present at the scene. Heard of it the next day from a *little* man, familiarly known as Hussian Walker, a *mighty* flax-dresser, who was in the engagement. Soon after this I started off in company with several other youngsters, whose names I have forgotten. Many people were going in the same direction. It was about the middle of the day when I reached the Court-house, and soon after my arrival, I saw the body of French, who had been shot the night before. A sentry was stationed to guard the corpse, as it lay on the jail-room floor. The clothes were still upon it, as in life. The wounds seemed to be mostly about the head ; the mouth was bloody, and the lips were swollen and blubbered."

Joshua Webb, the father of Calvin, was for several years a merchant or trader, at Union, Connecticut, but failing in business removed to Ashford, an adjoining town, where he continued a few years, being engaged in paying his debts and settling his affairs. In October, 1765, he came to Westminster, and was employed by the town to teach school the succeeding winter. The house which he occupied was " a large, open building," and the school was probably the first kept in Westminster. In the spring of 1766, having sent for his wife and children, young Calvin among the number, he with them took up his abode in Rockingham, where he resided a year. Displeased with the locality he went back to Westminster, and hired of Col. Benjamin Bellows a tract of land in the north part of the town, which had been previously improved by one Farwell, and is now known as "the Church farm." There he lived ten years. At the expiration of this period, he bought a farm and built him a house at Rockingham, where he lived until his death, which occurred in 1808. He was very active in the formation of the new state of Vermont, and was a member of the Dorset Conventions of September 25th, 1776, and January 15th, 1777. On the latter of these occasions, the district of Vermont was declared free and independent. He afterwards represented the people of Rockingham in the state Assembly, during the years 1778 and 1783, and was the first clerk of that town.

His son Calvin was born at Union, July 31st, 1757, and having removed with his father to the " New Hampshire Grants," became a citizen of Rockingham at the time of his father's removal to that town. Here, he passed the remainder of his life, respected by all who knew him. His death occurred in the year 1854. The assistance obtained from him and acknowledged in this note, was communicated in the winter of 1852. Although the narrator was then in his ninety-fifth year, yet his mental faculties appeared unimpaired, and the vividness with which he would describe the scenes of his youth, bore evidence to the strength of the impressions which the mind receives in its early freshness.

And, dying, mention it within their wills,
Bequeathing it, as a rich legacy,"
Unto their issue."

Although the courts had been stopped, yet the spirit of law had not fled from the county. A coroner's jury was assembled to inquire into the cause of the death of French, and the proceedings on that occasion were conducted in the most solemn and deliberate manner. The original report of the investigation is still preserved, and is in these words :—

"New York

Cumberland County.

An Inquisition* In-

dedent & Taken at Westminster the fifteenth Day of March one Thousand Seven Hundred and Seventy five before me Tim^o Olcott Gent one of the Corroners of the County afore Said upon the Veiw of the Body of William French then and there Lying Dead upon the oaths of Tho^o Amsden John Avorll Joseph Pierce Natha^o Robertson Edward Hoton Michal Law George Earll Daniel Jewet Zachriah Gilson Ezra Robenson Nathaniel Davis Nathaniel DoubleDee John Wise Silas Burk Elihue Newel Alex^r Pammerly Joseph Fuller Good and Lawfull men of the County afore Said who being Sworn to Enquire on the part of our Said Lord the King when where how and after what manner the Said W^m French Came to his Death Do Say upon their oaths that on the thirteenth Day of March Instant William Paterson Esqr Mark Langdon Cristopher Orsgood Benjamin Gorton Samuel Night and others unknown to them assisting with force and arms made an assault on the Body of the Said W^m French and Shot him Through the Head with a Bullet of which wound he Died and Not Otherways in witness where of the Coroner as well as the Juryors have to this Inquisition put their hands and Seals att the place afore Said."

On the same day, he was buried with military honors, his funeral being attended by all the militia of the surrounding country, who paid their final adieu to the ennobled dead in the salute which they fired above his grave. The smoke rolled off from the freshly turned earth, and, as the thunder of the musketry echoed over the beautiful plains of Westminster and reverberating among the distant hills, finally died away into silence; those determined men who had gathered at the sepul-

* Inquisition was intended, same as inquest.

ture of the first victim to American Liberty and the principles of freedom, vowed to avenge the wrongs of their oppressed country, and kindled in imagination the torch of war, which so soon after blazed like a beacon-light at Lexington and Bunker Hill.

Daniel Houghton, who was mortally wounded during the "massacre," came originally from Petersham, Massachusetts, and previous to his death was a resident of Dummerston. The idea was general, for a time, that he would recover from his injuries, and it is for this reason that his name is not oftener found in connection with that of French. But in the records of Dummerston, the "murdering of William French and Daniel Houghton" is spoken of as an article of history, which was then received without doubt or disagreement, and in the account of a meeting held in that town on the 6th of April, less than a month after the event, is a memorandum of a committee who were appointed to "go to Westminster there to meet other committees, to consult on the best methods for dealing with the inhuman and unprovoked murderers of William French and Daniel Houghton." Houghton, who was wounded in the body, survived only nine days.* He was buried in the old graveyard at Westminster, not far from the last resting-place of French. For many years there was a stone, shapeless and unhewn, which marked the spot where he lay; but even this slight memorial has at length disappeared from its place, and no one can now mark with accuracy the locality of his grave.

Jonathan Knight, of Dummerston, received a charge in the right shoulder, and for more than thirty years carried one of the buck-shot in his body. One White, of Rockingham, was severely wounded in the knee by a ball, and was in consequence for a long time incapacitated for labor.† Philip Safford, a lieutenant of the Rockingham militia, was in the Court-house at the time the attack was made. Most of the Whigs who were in his situation fled by a side entrance after a short conflict with their

* Houghton died at Westminster in a house situated a little northwest of the Court-house, and but a short distance from it. It was then occupied by Eleazer Harlow. Most of those who were wounded were taken to the house of Azariah Wright, and were treated with the most careful consideration by the patriotic captain.

† After remaining three months at Capt. Wright's house, he was taken to the river on a litter, and was conveyed by water to some place where he could obtain the services of a more skilful physician than was to be had at Westminster.

opponents. But he, determined to depart by a more honorable passage, sallied out at the main door, bludgeon in hand, knocked down eight or ten who endeavored to arrest him, and received in return several severe cuts on the head from a sabre wielded by Sheriff Patterson.

From a deposition made before the Council of New York, by Oliver Church and Joseph Hancock, the messengers who bore the news of the "massacre" southward, it would appear that, after the first volley from the sheriff's party, for the purpose of intimidating the "rioters," the latter returned the fire from the Court-house; that "one of their Balls entered the Cuff of the Coat of Benjamin Butterfield, Esquire, one of his Majesty's Justices of the Peace for the said County of Cumberland, which went out of the elbow without hurting him, and another went through his Coat Sleeve and just grazed the skin. That a pistol was discharged by one of the Rioters at Benjamin Butterfield, the Son of the above named Justice Butterfield, so near that the Powder burnt a large hole in the breast of his Coat, and one William Williams received a large wound in the head by one of the Balls discharged by the said Rioters." Another deposition made by John Griffin, contains a declaration that "the Rioters returned a Discharge of Guns or Pistols on their part," and in the statement of the judges, it is asserted that the "rioters fought Violently with their clubs, and fired some few fire-arms at the Posse, by which Mr. Justice Butterfield received a slight shot in the arm, and another of the Posse received a slight shot in the head with Pistol Bullets." The account of one of the newspapers* of the time, is, that the first fire of the sheriff's posse "was immediately returned from the Court-house, by which one of the Magistrates was slightly wounded, and another person shot through his clothes." In another,† it is recorded that "the rioters fired once or twice on the sheriff's party, but did no damage."

As opposed to a part of these assertions, the Whigs declared that they had no fire-arms at the time of the attack, and this statement is substantiated by eye-witnesses, some of whom were, until within a few years, alive, and by a sufficient amount of unbiased evidence. That some of the Court party were wounded in the affray, there is no doubt; but the injuries they received, except those "inflicted by bludgeons," were from

* New York Journal, or General Advertiser: Thursday, March 23d, 1775.

† Essex Gazette, Salem, Massachusetts; vol. vii., March 14th-21st, 1775.

their own friends. The fight, it will be remembered, was carried on in darkness. To explain this contradiction in regard to the use of fire-arms by the Whigs, and to furnish a clue to all the other discrepancies which appear in the narrations of the opposing parties, a knowledge of accompanying circumstances is alone requisite. The newspaper press, controlled by those favorable to royal government, and opposed to revolutionary action, sided with the supporters of established law, regardless of its corrupt administration, and concealed or misrepresented the true causes which were forcing the lovers of liberty throughout the colonies to throw off the burdens which were oppressing them. The depositions, although given under oath, had been previously supervised by the Tory representatives in the Legislature of New York from Cumberland county, and were, no doubt, colored by them in such a manner as to make the cause of the Whigs appear in its worst light. Men, most violent in the measures which they were ready to adopt to suppress the first outbreathings of liberty and right, were not those who would scruple to exaggerate and falsify in order to achieve the ends they had proposed.*

* As testimony corroborative of the position assumed in the text, the following extracts from printed and MS. documents and verbal relations, are presented. In the report of the committee who were chosen by the people of Cumberland county and others, to prepare an account of the affray, occur these words: "We, in the house, had not any weapons of war among us, and were determined that they [the sheriff and his posse] should not come in with their weapons of war, except by the force of them." The testimony of Theophilus Crawford was, that "the Whigs had not so much as a pistol among them," and in proof of the state of feeling previous to the fight, he declared that "a man named Gates, of Dummerston, started for Westminster, armed with a sword," and that "the people would not let him proceed until he had laid aside the offensive weapon." To the same effect Calvin Webb. "The liberty men had no guns when they first came, but after French was killed, they went home and got them." Azariah Wright, a grandson of the sturdy captain of the same name, who was so active in the cause of the sons of freedom, has written to the author, by the dictation of his father, Salmon Wright, who, a lad of twelve or thirteen, was present at the burial of French, in these words: "There were no arms carried by the liberty party, except clubs which were obtained by the Rockingham Company at my grandfather's wood-pile. There were no Tories wounded, save those knocked down by the club of Philip Safford." When questioned with reference to the assertions of Hancock and Church, his language, dictated as before, was this: "In regard to the statements in the Tory depositions, father says they are all fudge! that there were no weapons carried or used by the liberty men, except the afore-mentioned clubs. This is a fixed fact." Additional proof might be accumulated; but it is probable that enough has been said to satisfy the reader that the only weapons, offensive or defensive, carried by the Whigs, were clubs and staves.

As furnishing the less important incidents connected with the affray, tradition affirms, that a certain Joseph Temple of Dummerston, carried his food in a quart pewter basin, which, placed in a kind of a knapsack, was strapped over his shoulders. During the firing the basin was struck twice by the bullets, which left their marks upon it but did not perforate it, and its owner escaped unhurt. This novel life-preserver was kept in the family of his descendants for many years, but finally found its way to that place of deposit of articles valuable for their antiquity, the cart of a tin pedlar. Another brave man of the same town, hight John Hooker, escaped with the loss of the soles of his boots, which were raked off by a chance shot from the enemy. But the discomfiture was only temporary; the art of the shoemaker was potent to restore the wanting portions, and the boots were afterwards worn by their owner with feelings of pride and satisfaction. Many a man more distinguished but less valiant than John Hooker, has in the time of battle found safety in trusting to his soles, and that, too, in a manner not one half as honorable!

To dignify the events of the 13th of March, the Muses were not ashamed to lend their assistance. The following lines, exhumed from the brain of an old man, where they had slept undisturbed for more than three quarters of a century, afford not only a rare specimen of Hipponactic composition, but, as far as they go, contain a spirited and concise account of the affray.*

"March y^e thirteenth, in Westminster there was a dismal clamor,
A mob containing five hundred men, they came in a riotous manner,
Swearing the courts they should not set, not even to adjournment,
But for fear of the Sheriff and his valiant men, they for their fire-arms sent.

* These lines are supposed to have been the production of John Arms, a young man who resided in Brattleborough, and who was a favorer of the Court party. They were communicated orally by Calvin Webb, of whom mention has been already made. Regarding them as expressing the sentiments of an opposer of the "mob," the eleventh verse furnishes another proof that stout cudgels were the only weapons which the mob carried. Arms is said to have possessed mental qualities of no mean order. Physically, he was not strong, and died young. By a vote of the Council of Vermont passed June 15th, 1782, it appears that John Arms of Brattleborough, who, at the age of fifteen, in the year 1775, joined the "enemies of this and other American States," and afterwards returned and asked pardon, was forgiven "and restored to the privileges of the State" on taking the oath of allegiance. The person referred to in this vote, and the poet of the "Westminster Massacre," are supposed to be identical.

The Protestants that stood by the law, they all came here well armed;
 They demanded the house which was their own, of which they were debarred.
 The Sheriff then drew off his men to consult upon the matter,
 How he might best enter the house and not to make a slaughter.
 The Sheriff then drew up his men in order for a battle,
 And told them for to leave the house or they should feel his bullets rattle.
 But they resisted with their clubs until the Sheriff fired,
 Then with surprise and doleful cries they all with haste retired.
 Our valiant men entered the house, not in the least confounded,
 And cleared the rooms of every one, except of those who were wounded."

With one exception the officers of the Court were opposed to any interference

on the part of the people. Thomas Chandler Junior, one of the assistant justices and a son of the chief

Thomas Chandler Jr.

judge, held views repugnant to those of his colleagues and superiors. On the day of the outbreak, a large body of the inhabitants of Chester having started to go to Westminster, Chandler was questioned as to the object of their journey. In reply, he stated that they had gone "to petition the Inferior Court of Common Pleas not to sit or proceed on business." Being asked whether it would not have been better had a committee been delegated to proffer the request of the people, he answered, that if those who had gone committed no violence, they could not be indicted for riot, and further remarked, that the court ought not to sit because "the attorneys vexed the People with a multiplicity of suits," the "sheriff of the County was undeserving to hold his office," and "had bad men for his deputies." He also gave it as his opinion, that if the court should attempt to proceed on "business of a civil nature," the people would put a period to the session. So thoroughly was he convinced of the injustice and petty tyranny that had attended the administration of law, that he was "very zealous" that the people should apply the remedies which they subsequently used with so much effect.*

Of the court party who had been imprisoned, Thomas Chandler, the chief judge, Bildad Easton, a deputy sheriff, Capt. Benjamin Burt, Thomas Sergeant, Oliver Wells, Joseph Willard,

* MS. deposition of Elijah Grout, relative to Thomas Chandler, Jr.

and John Morse, were released on the 17th, having given bonds with security to John Hazeltine, to appear and take their trial at such time as should be appointed. Thomas Ellis, against whom no charge was found, was set at liberty, unconditioned; Noah Sabin, one of the side judges, Benjamin Butterfield, an assistant justice, William Willard, a justice of the peace, William Paterson, the high sheriff, Samuel Gale, the clerk, Benjamin Gorton, a deputy sheriff, Richard Hill, William Williams, and one Cunningham, were, by a vote of the committee of the people, reserved for confinement in the jail at Northampton, Massachusetts. On Sunday the 19th, these nine prisoners set out on their march, being attended by a guard of twenty-five men under the command of Robert Cockran, and by an equal number of men from New Hampshire, led by a certain Capt. Butterfield, an inhabitant of that province. Having reached Northampton on the 23d, they were there imprisoned, and remained in durance nearly two weeks.

A paragraph in a New York paper of this period, declared that "the gentlemen who had fallen into the hands of the insurgents" were to be removed by virtue of a writ of *habeas corpus* from Northampton to that city, where they would be "regularly tried in order to their enlargement." On the 3d of May, they had reached New York, but it is not probable that the offences with which they were charged were ever subjected to a legal investigation. The war of the Revolution had now become a reality, and the causes which produced it began to be merged in the results to which those causes had given birth.*

The news of the affray reached New York on the 21st of March, through the medium of the expresses, Church and Hancock. The Council were immediately summoned, and were informed by Lieutenant-Governor Colden, that "violent Outrages and Disorders" had lately happened in Cumberland county. At his desire, Samuel Wells and Crean Brush were called in, who repeated the statements they had received. By the advice of the Council, the messengers were directed to embody their account in the form of depositions, and the Lieutenant-Governor was requested to send the depositions to the General Assembly then in session, together with a message "warmly urging them to proceed immediately to the consideration" of such measures

* New York Gazette, Monday, April 10th, 1775.

as would prevent the recurrence of "Evils of so Alarming a Nature," and bring "the principal Aiders and Abettors of such Violent Outrages to Condign Punishment."

The depositions were prepared on the 22d, and having been witnessed by Daniel Horsmanden, the secretary of the province, were sent on the 23d to the General Assembly, accompanied by a message from the Lieutenant-Governor, of which the following is a copy:—

"GENTLEMEN: You will see, with just indignation, from the papers I have ordered to be laid before you, the dangerous state of anarchy and confusion which has lately arisen in Cumberland county, as well as the little respect which has been paid to the provisions of the Legislature, at their last sessions, for suppressing the disorders which have for some time greatly disturbed the north-eastern districts of the county of Albany and part of the county of Charlotte.*

"You are called upon, gentlemen, by every motive of duty, prudence, policy, and humanity, to assist me in applying the remedy proper for a case so dangerous and alarming.

"The negligence of government will ever produce a contempt of authority, and by fostering a spirit of disobedience, compel, in the sequel, to greater severity. It will therefore be found to be not only true benevolence, but also real frugality, to resist these enormities at their commencement; and I am persuaded, from your known regard to the dignity of government, and your humanity to the distressed, that you will readily strengthen the hands of civil authority, and enable me to extend the succour and support which are necessary for the relief and protection of his Majesty's suffering and obedient subjects, the vindication of the honour, and the promotion of the peace and felicity of the colony."

The message, and the papers connected with it, were referred to the consideration of a committee of the whole house. On the 30th, the house resolved itself into a committee of that nature. The message and depositions were again read, and the witnesses were re-examined. By a vote of fourteen to nine, the committee advised that a provision should be made "to enable the inhabit-

* Reference is had to a series of outrages which had been committed on the New York settlers residing west of the Green Mountains, by Ethan Allen, Seth Warner, and the "Bennington Mob," as they and their adherents were termed. See Doc. Hist. N. Y., iv. 891-908.

ants of the county of Cumberland to reinstate and maintain the due administration of justice in that county, and for the suppression of riots." The Speaker having resumed the chair, the chairman of the committee presented his report, whereupon Crean Brush moved, "that the sum of one thousand pounds be granted to his majesty, to be applied for the purposes enumerated in the report." A stirring debate ensued, but the motion was finally carried, twelve voting for and ten against it. Every Whig member present, and several of the ministerial party, voted against the measure, and in the majority of two the vote of the Speaker was included.

On the 3d of April, the last day of the last session of the General Assembly of the province of New York, the Treasurer of the Colony, on a warrant from the Lieutenant-Governor or the Commander-in-Chief, and by the advice of the Council, was directed to pay the sum which had been voted for the benefit of the people of the county. Soon after this appropriation had been made, some of the officers of the court presented an account of the expenses which had been incurred by them and persons in their employ, in suppressing the disturbances in the month of March previous. By an order of the Council, the sum of one hundred and ninety-two pounds nineteen shillings and one farthing, the amount claimed, was paid to Samuel Wells, William Paterson, and Samuel Gale. This was the first draft made upon the funds which had been set apart for such purposes. Although a few of the sufferers were reimbursed by the appropriation, yet the general effect upon the county, as far as the control of the conduct of the inhabitants was concerned, was scarcely perceptible.

In presenting to Lord Dartmouth an account of his official conduct, contained in a report dated April 5th, Lieutenant-Governor Colden referred to the course he had pursued in endeavoring to protect the rights of the crown in Cumberland county, in these words: "It was necessary for me, my Lord, to call upon the Assembly for aid, to reinstate the authority of government in that county, and to bring the atrocious offenders to punishment. They have given but one thousand pounds for this purpose, which is much too small a sum; but the party in the Assembly who have opposed every measure that has a tendency to strengthen or support government, by working on the parsimonious disposition of some of the country members, had too much influence on this occasion. I am now

waiting for an answer from General Gage, to whom I have wrote on this affair in Cumberland. By his assistance I hope I shall soon be able to hold a court of Oyer and Terminer in that county, where I am assured there are some hundreds of the inhabitants well affected to government; and that if the debts of the people who have been concerned in this outrage, were all paid, there would not be a sixpence of property left among them."

In answer to the request of Colden, it was commonly reported at the time, that Gage, who was then at Boston, sent a number of arms to New York by a vessel named "the King's Fisher." Whatever may have been the fact, "the affair at Lexington" diverted the attention of government from the proposed method of re-establishing the authority of the crown in the interior of the province, and led to a different disposition of the bayonets, at whose point obedience and submission were to have been secured.*

Inasmuch as the inhabitants of Bennington and the vicinity who held under New Hampshire, had for some years previous been engaged in quarrels with the New York settlers, there are those who have supposed that the doings at Westminster must have originated in disputes regarding the titles of land. This opinion is very erroneous. Less than a month from the time of the affray, Colden, in his official dispatches to Lord Dartmouth, commenced an account of the "dangerous insurrection," by declaring that a number of people in Cumberland county had been worked up by the example and influence of Massachusetts Bay, "to such a degree, that they had embraced the dangerous resolution of shutting up the courts of justice." After a concise description of attending circumstances, he concluded in these words: "It is proper your Lordship should be informed, that the inhabitants of Cumberland county have not been made uneasy by any dispute about the Title of their Lands. Those who have not obtained Grants under this governm^t, live in quiet possession under the grants formerly made by New Hampshire. The Rioters have not pretended any such pretext for their conduct. The example of Massachusetts Bay is the only reason they have assigned. Yet I make no doubt they will be joined by the Bennington Rioters, who will endeavor to

* London Documents, in office Sec. State N. Y., vol. xlv. Doc. Hist. N. Y. iv. 915.

make one common cause of it, though they have no connection but in their violence to Government." An opinion like this, and from such a source, is sufficient to show that the causes which incited the "Bennington Mob" to deeds of violence, were in no respect identical with those which determined the people of Cumberland county to prevent the sittings of the court.

The events of the 13th of March have been styled in these pages a mob, a riot, and an affray, names chosen by the crown adherents to express their idea of the nature of the transactions of that day. The term "massacre" was the more dignified title employed by the Whigs to convey their own notions of the same proceedings. A more correct conception is conveyed in the word insurrection. The people rose against civil and political authority, and in so doing were justified on principles which do not admit of dispute. An examination of facts will show that in the history of Cumberland county—a type of the history of the colonies—there were present the three conditions which alone can justify an insurrection. First, there was oppression on the part of the government against which resistance was finally made; secondly, every peaceable means, by petitions and remonstrances, for removing this oppression, had been tried, but in vain; thirdly, forcible measures were not resorted to until the probability of success had become so strong as to amount, for the time being, almost to a certainty. Trusting thus to the justice of their cause, and to the favor of Him who is ever ready to succor the oppressed, these determined men resolved to achieve for themselves the blessings of independence, and laid the foundations of those institutions which are the characteristics of a republican government.

In claiming for William French the title of the proto-martyr to the cause of American liberty and of the Revolution, it may chance that but few will be found willing to allow him such an honor. Lexington and Concord point with pride to their battle-grounds, and Charlestown boasts of her Bunker Hill, on whose top towers the symbol of our national strength, the personification of the genius of America. But amid these noble memories it should never be forgotten, that on the plains of Westminster the cause of freedom received its first victim, and that in his grave were buried all hopes of reconciliation with the mother country.

When the Grecian warrior consulted the oracle at Delphi,

wishing to know whether the Athenians or Spartans would conquer in battle, the priestess gave answer that the army would be victorious in which a soldier was first slain; for she well knew that his comrades would not tire in the struggle until the death of the first martyr had been avenged by the defeat of his and his country's foes. And thus, when on the side of Liberty and the American Colonies the proto-martyr fell, every wound in his body became a mouth which called for vengeance, and from every drop of blood there sprang forth a hero, not in embryo, but armed, to battle bravely for his country.*

* See Appendix I.

CHAPTER X.

THE FIRST YEARS OF THE REVOLUTION.

The "Friends of Liberty"—Patriotism of the "Guilfordites"—The Westminster Resolutions—The New York Provincial Congress—"County Congress" at Westminster—Deputies from Cumberland County—Proceedings in Gloucester County—Town Associations in Behalf of Freedom—Efforts to Increase the Military Force of New York—Convention at Westminster—The Militia of Cumberland and Gloucester Counties—Troubles Incident to the Choice of Officers—Efforts to allay Discontent—Dorset Convention—Loan from the Provincial Congress—Jacob Bayley chosen Brigadier-General—Methods of Government adopted in the absence of Fixed Laws—Powers of the Committee of Safety of Cumberland County—Instructions to Delegates—Letter to the New York Provincial Congress—July Meeting of Cumberland County Committee of Safety—Name of New York Provincial Congress changed—Supplies of Gunpowder, Lead, and Flints—Value of Lead—Rangers—Joab Hoisington's Commission as Major of the Rangers—Under-Officers Nominated—Proposition to make the "Grants" a Separate District—Views of the Inhabitants of Cumberland County on the Subject—Stevens and Sessions's Declarations in the New York Convention—Report upon the Condition of Cumberland County—Preparations to meet Gen. Carleton—Divisions in the Cumberland County Committee of Safety—Separation from New York inevitable.

THE events of the 13th of March were an expression of the dislike of the majority of the inhabitants of Cumberland county to the policy of Great Britain. The determination manifested on that occasion they were not prepared to alter in the least, unless sufficient reason for a change should be given. The governmental representatives of the mother country on their part evinced no conciliatory disposition, and, thenceforth, opposition to oppression was the guiding principle of the "Friends of Liberty." Meetings were held in many of the larger towns, at which the conduct of those who had been prominent in stopping the courts at Westminster was highly applauded. A spirit of hearty coöperation, the earnest of success, was everywhere apparent. Though the path of revolution was often-

times shrouded in darkness, yet, from that period, each step in it was a step forward.

On the 28th of March, the people of Guilford assembled in town meeting and manifested their willingness to remain under the jurisdiction of New York, by voting that they would "be subject to the laws of that government" to which they had been annexed by the Crown. At the same time they directed the town committee of safety to decide whether those who had received commissions from Governor Tryon should retain or resign them. On the 7th of April the subject was taken from the hands of the committee, and the holders of the obnoxious commissions were desired to return them, or declare their principles in such a manner as would leave no doubt of their position.* Concert and expeditiousness in action were then, as now, regarded as the secrets of success. It was the acknowledgment of this truth that led the "Guilfordites" to guard against internal division and petty strife. "We recommend to the inhabitants of this town," said they, "that they take all proper measures for unity one with another, and that no man cast any reflections one upon another, which will surely create discord and disagreement; and, by dividing, we shall surely come to destruction." "We recommend to the people as aforesaid, that every person hold himself in an habitual and actual readiness on any emergency whatsoever; and every man to appear at a minute's warning, and then and there choose officers to lead us, according to the instruction of our elders and committee."†

The influence of Ethan Allen and his followers, which in Bennington and the vicinity had led the settlers under New Hampshire titles to maltreat those who held grants from New York, began now to exert its effect on the other side of the Green mountains. At a meeting of committees from Cumberland and Gloucester counties, held at Westminster on the 11th of April, resolutions were passed which bore evidences of disaffection towards the colonial government of New York. It is

* "Voted, that we recommend to all those Persons in this Town who have received Commissions under Governor Tryon, that they Resign said Commissions, or Erase their names out of a Certain Covenant, Signed by the body of the People, to mitigate or Soften the minds of the People."—Votes and Proceedings of the Town of Guilford, 1775, in Brattleborough Semi-Weekly Eagle, Thursday, June 20th, 1850.

† These recommendations were passed on the 20th of April. On the 3d of May following, the people assembled again in town meeting, and completed the organization of the town militia, by the appointment of officers.

“our opinion,” these committees declared, “that our inhabitants are in great danger of having their property unjustly, cruelly, and unconstitutionally taken from them by the arbitrary and designing administration of the government of New York, sundry instances having already taken place; that the lives of those inhabitants are in the utmost hazard and imminent danger under the present administration, witness the malicious and horrid massacre of the 13th ultimo; that it is the duty of said inhabitants, as predicated on the eternal and immutable law of self-preservation, to wholly renounce and resist the administration of the government of New York, till such time as the lives and property of those inhabitants may be secured by it, or till such time as they can have opportunity to lay their grievances before his most gracious Majesty in Council, together with a proper remonstrance against the unjustifiable conduct of that government, with an humble petition to be taken out of so oppressive a jurisdiction, and either annexed to some other government or erected and incorporated into a new one, as may appear best to the said inhabitants, to the royal wisdom and clemency, and till such time as his Majesty shall settle this controversy.” In connection with these proceedings Col. John Hazeltine, Charles Phelps, and Col. Ethan Allen were appointed to prepare a remonstrance and petition embodying the sentiments entertained by the committees. Such was the action of the convention on this occasion. But when, in the course of the following months, it was ascertained that all the provinces were in a similar situation on account of the tyranny of Great Britain, the inhabitants of the two counties willingly joined with the rest of the inhabitants of New York in aggressive and repulsive endeavor; and it was not until the idea of forming the New Hampshire Grants into an independent state, had seized upon the mass of the community, that they ceased to cooperate with the province to which they rightly belonged. Even then there were some who considered themselves as subjects of New York, and these, through many years of confiscation and statutory inhibition, maintained with sacredness their allegiance to that state.*

In conformity with the course adopted in most of the colonies, a Provincial Convention was held in the city of New York, on the 20th of April, at which delegates from nine counties were

* Slade's Vt. State Papers, p. 60. American Archives, Fourth Series, 1775, vol. ii. col. 815.

in attendance. Cumberland and Gloucester were not represented. The session lasted three days. Soon after its close circular letters were dispatched to all the counties in the province, notifying the project of establishing a Provincial Congress. Pursuant to this call, deputies from different parts of the province assembled at the Exchange in the city of New York, on the 22d of May, and on the following day a Provincial Congress was formed, and Peter Van Brugh Livingston was elected president. Owing, in a measure, to the sparseness of population, the inhabitants of Cumberland had been delayed in sending delegates to the Convention. For the purpose of obviating any trouble which might ensue from this neglect, a "County Congress" was convoked at Westminster, on the 6th of June.* Col. Hazeltine, who was chairman on this occasion, stated that it was the desire of the committee of correspondence in the city of New York to know fully the sentiments of the inhabitants of the county "with regard to the hostile measures that are using by the British Parliament to enforce the late cruel, unjust, and oppressive acts of the said British Parliament through the British Colonies in America."

In answer to this inquiry, the convention, expressing "the voice of the people," declared by their resolutions the illegality of the acts of parliament which had been lately passed in order to raise a revenue in America, and denounced them as opposed to the Bill of Rights and to a fundamental principle of the British Constitution, which did not allow any person to be deprived of his property without his consent, unless he had previously forfeited it by his misdeeds. They also resolved, in conjunction with their brethren in America, to "resist and oppose" these obnoxious acts at the expense of their "lives and fortunes" and "to the last extremity," provided duty to God and their country should require it. They expressed their acquiescence in the conduct of their friends in the city of New York, and agreed

* At a previous session of the "Congress," held at Westminster, James Clay, John Barrett, Solomon Phelps, and Elkanah Day had been appointed a committee to examine into the monetary affairs of the county. In their report, rendered on the 4th of June, they stated that it would be necessary for those towns which were yet in arrears to pay up their taxes "in order to do justice to the treasurer, Benjamin Burt, and committee for building the court-house and jail." "The good people of the county," observe the committee, "may rely upon it, that said money to be collected, will not go to satisfy the demands of Samuel Wells and Crean Brush, Esquires, but it will be put to the real interest of the county, in paying its just debts."

to abide by the principles which they had taken as a basis of action. In view of the "very broken situation" of the county, as regarded civil authority, they asked for advice from the Provincial Congress, touching the measures which would be potent in restoring "order and regularity." Owing to their defenceless condition, and the inefficiency consequent thereupon, they desired that arms and ammunition might be given them. "We have," said they, "many brave soldiers, but, unhappily for us, we have nothing to fight with." As a full endorsement of the efforts which were then being made to establish concerted action, Col. John Hazeltine of Townshend, Dr. Paul Spooner of Hertford, and Maj. William Williams of Westminster, were chosen delegates to represent the county in the New York Provincial Congress.*

Soon after their appointment they proceeded to New York to engage in the duties incident to their position. They were the bearers of a letter from Col. Hazeltine containing an account of the late "Congress." This communication, fraught with patriotic sentiments, was written in behalf of the committees who had assembled at Westminster, and was directed to Peter Van Brugh Livingston, the president of the Provincial Congress. One of its paragraphs was in these words:—"We detest and abhor these arbitrary, tyrannick, and sanguinary measures, which the British Parliament are most industriously pursuing against the American Colonies, in order to dragoon them into compliance with certain late detestable acts of Parliament replete with horror, and repugnant to every idea of British freedom, and which have a direct tendency to reduce the free and brave Americans into a state of the most abject slavery and vassalage." "You may rely upon it," observed the patriotic writer, in closing, "that our people in general are spirited, resolute, and active in the defence of our dear-bought rights and liberties, and will not flinch, if called, generously to spill our blood to oppose and resist ministerial tyranny and oppression."

Another letter entrusted to the delegates contained an offer from Maj. William Williams, Maj. Benjamin Wait, and Capt. Joab Hoisington, the last two of Windsor, to serve respectively as Colonel, Lieutenant-Colonel, and Major of a regiment of militia. "Glowing with true martial ardour, and willing, with

* Journal N. Y. Prov. Cong., i. 1, 5, 7. Am. Arch., Fourth Series, 1775, vol. ii. cols. 351, 918, 919, 1241, 1242. Credentials of Delegates, in office Sec. State, N. Y., 1775, p. 108.

the utmost cheerfulness and alacrity, to unsheath the sword in defence of the lives and properties of the good people" of the "ancient and truly respectable patriotick colony of New York;" seeing also that hostilities had already commenced, and that the sword had been actually drawn, they advised the formation of a regiment "of good, active, enterprising soldiers," in order "to keep under proper subjection regulars, Roman Catholics, and the savages at the northward," and to defend their own rights and privileges "against ministerial tyranny and oppression." In case they should receive the appointments for which they sought in the proposed regiment, they promised to be "entirely under the command and order of the Provincial Congress," and flattered themselves that in such a position they would prove useful instruments in serving the "ancient and honourable colony of New York."*

Soon after the circular letter of the Provincial Convention of New York was received in Gloucester county, the people assembled and chose Jacob Bayley of Newbury to represent them in the Provincial Congress. On the 29th of June Bayley informed the Congress by letter that, on account of the great distance between Newbury and New York, and the exposed situation of the northern settlements, his friends did not deem it proper for him to attend the session until they should be "prepared to meet with an enemy at home." A county committee was also formed, and sub-committees were chosen in each town and precinct. "The county seems to be very well united and firm in the cause of liberty," wrote John Taplin, on the 15th of July, "and I make no doubt but they will cheerfully join in whatever measures and directions the honourable Congress may point out from time to time."†

On the 21st of June, the delegates from Cumberland county took their seats in the Provincial Congress. Hazeltine remained only three days, but Williams and Spooner were present until the close of the session. The latter gentlemen, having given previous notice of their intention, laid before the Congress on the 7th of July, an account of the condition of the county which they represented. The nature or purport of their remarks is not known, but from a minute in the records of the Congress, it appears that when they had concluded their observations, a com-

* Journal N. Y. Prov. Cong., i. 95; ii. 53.

† Journal N. Y. Prov. Cong., ii. 50, 60. Am. Arch., Fourth Series, 1775, vol. ii. cols. 934, 935, 938, 939.

mittee was chosen "to receive information of the members of that county and of any other persons, of the state of that county, and report thereon to this Congress." The Congress adjourned on the 8th of July, but a committee of safety was chosen to act during the recess, and John Morin Scott was appointed to represent Cumberland county in the absence of the regular delegates. He was present but twice during the recess. Fortunately no business was transacted which demanded his especial attention.*

Meanwhile the dwellers on both sides of the Green mountains were endeavoring to enlist soldiers and establish an efficient militia. Means were also taken to improve every opportunity which could be made use of, to advance the safety of the community. The committee of correspondence in the town of Northfield, Massachusetts, informed the Council at Boston, on the 26th of June, that there were "two small cannon belonging to the Massachusetts Bay" at Fort Dummer, which were left there when that garrison was dismantled, and one at Fort Hinsdale. These they offered to convey to the army on the western frontier, provided ordnance should be wanted in that section. In Townshend, through the activity of Col. John Hazeltine, fifty-one persons signed an agreement on the 12th of July, binding themselves to maintain and disseminate the principles of American liberty, and adopting as their rules of action the resolutions passed and promulged by the Continental Congress during the months of September and October, 1774. A similar association, with the same number of members, was formed at Springfield on the 26th of July, and on the 31st of the same month twenty-one of the twenty-four freeholders of Weathersfield united in completing a similar organization.† About the same period, Capt. Elisha Benedict of Albany, by the direction of the New York Provincial Congress, was engaged in forming military companies in Cumberland county,

* Journal N. Y. Prov. Cong., i. 49, 51, 69-71, 82, 86. Am. Arch., Fourth Series, 1775, vol. ii., cols. 1309, 1314, 1345, 1348, 1777, 1793, 1798.

† In Townshend the association was signed by all the citizens then in the place. Those out of town were Samuel Fletcher, Benjamin Moredock, Oliver Moredock, Aaron Johnson, Samuel Parkis, Thomas Barns, and Ebenezer Burt, who were "in the service at Roxbury, under Gen. Washington." The names of those who refused to sign the association subscribed in Weathersfield, were John Marsh, Joseph Marsh, and John Marsh, Jr.—Associations and Miscellaneous Papers, in office Sec. State N. Y., 1775, xxx. 56, 78, 140. Journal N. Y. Prov. Cong., i. 228.

which were to be comprised in two regiments, called the upper and lower, and were to serve in the provincial, or, as it was afterwards designated, the state line.*

After an interval of nearly three weeks, the Provincial Congress of New York assembled on the 26th of July. On the same day a convention was held at Westminster, and the delegates from Cumberland, who had been previously appointed to represent that county in the Provincial Congress, were empowered to act singly, "in as ample and full a manner," as if all were present. With a certificate to this effect, signed by James Clay, the temporary chairman of the convention, William Williams appeared in New York, and on the 12th of August took his seat in the Provincial Congress as the representative from Cumberland. In order to make the military force of the province more effective, a militia bill, reported by Anthony Hoffman of Dutchess county, was adopted by the Congress on the 22d of August. By its provisions, the whole province was to be divided into districts, and each district was to furnish one company, "ordinarily to consist of about eighty-three able-bodied and effective men, officers included, between sixteen and sixty years of age." The companies were to be formed into regiments, the regiments into six brigades. One of these brigades, the sixth, was to comprise "the militia of the counties of Charlotte, Cumberland, and Gloucester."† On the 2d of September, last day of the session, the gunpowder which had been imported and was then in store for the use of the province, was divided among the different counties. The portion assigned to Cumberland was one hundred pounds. During the recess which followed Williams remained in New York, and was a member of the committee of safety. He was also

* Revolution, Military, in office Sec. State Mass., 1775-1788, p. 270. *Am. Arch.*, Fourth Series, 1775, vol. ii., col. 1796; vol. iii., col. 620. *Journal N. Y. Prov. Cong.*, i. 84, 95; ii. 53, 54, 68. See Appendix, containing a List of the Civil and Military Officers of Cumberland and Gloucester Counties.

† An imperfect military organization had been effected in the province of New York before the passage of this bill, and the office of brigadier-general for the brigade, which it was then in contemplation to establish in the north-eastern part of the province, had been offered on the 31st of May previous, to Col. James Rogers of Kent (now Londonderry). He refused the trust "upon political principles." He afterwards became a Tory and left the country. His possessions in Kent were, in the year 1778, confiscated; but in the years 1795 and 1797, James Rogers Jr. obtained from the Legislature of Vermont possession of all the lands in that town which had been owned by his father and were then unsold.—*Journal N. Y. Prov. Cong.*, ii. 82. *Thompson's Vt.*, Part III., p. 103.

present at the re-assembling of the Provincial Congress on the 4th of October, but it does not appear that he remained through the session.*

By a resolution of the Provincial Congress, passed on the 18th of October, it was determined that that body should announce itself dissolved at such time as should be deemed expedient, and that a new election should then be called for the choice of delegates to represent the province. The dissolution took place on the 4th of November, and the 7th of the same month was set apart as the day for the new election. In Cumberland county, the town representatives did not assemble until the 21st. The convention was held, as on former occasions, in the county hall at Westminster, and William Williams and Paul Spooner were again returned as delegates for the county. On the 14th of November, the day on which the newly-elected delegates were to convene in the city of New York, it was found that a majority of the counties in the province were not represented. For the purpose of maintaining the show of authority, informal meetings were held day after day. Such letters as demanded immediate replies were answered, and despatches were sent to different parts of the province, entreating the delegates to hasten their appearance, in order that "the measures necessary to be carried into execution" might not be longer delayed or neglected. The Congress, after waiting three weeks for a quorum, was organized on the 6th of December, eight counties being represented.

Dr. Spooner, having appeared and presented his credentials, was, on the 20th, admitted as the deputy from Cumberland, and was allowed to act singly, with as full power as though his colleague were also in attendance. As the bearer of information concerning the military affairs of his district, he announced the appointment, by the committee of safety for Cumberland county, of Col. James Rogers as brigadier-general for the brigade of Cumberland, Gloucester, and Charlotte counties, and recommended certain men as field and staff-officers for the militia of the county which he represented.

Owing to the readiness manifested in different parts of the province to second the views of the Congress in the organization of the militia, the plan which had been adopted a few

* Journal N. Y. Prov. Cong., i., 87, 89, 105, 114, 135, 137, 139, 146, 163, 165, 195, 197. Am. Arch., Fourth Series, 1775, vol. ii., cols. 1799, 1800; vol. iii. *passim*.

months previous was enlarged. A certain numerical rank was assigned to the militia officers of each of the fourteen counties in the province. The rank of the militia officers of Cumberland was the twelfth, and of Gloucester the fourteenth. The number of brigades was increased to seven. The brigadier-general of the militia of the counties of Cumberland, Gloucester, and Charlotte was announced as the seventh in rank, and the eighth in command. The new Congress having, on the 22d of December, decided to adjourn, appointed a committee of safety, consisting of thirteen members, to act during the recess. Of this number, Dr. Spooner was one.*

But a spirit of disaffection had already begun to appear in the county. On the 6th of December, a number of the inhabitants of Putney sent to New York a protest against the proceedings of the Westminster convention, at which field-officers were nominated for the proposed regiments. "The acts of this convention," said they, "have discovered such a spirit of ignorance or tyranny, that we are apprehensive that our liberties, which we are contending for, are in danger, and like to be wrung out of our hands, by nine or ten arbitrary men." They further declared that the convention had nominated field-officers who had ever shown "an inimical spirit to the liberties of America," and who were "disagreeable to the body of the people." This paper, signed by thirty-one persons, was followed by another from Westminster, bearing date the 7th of December, and containing expressions of a similar import. The latter document set forth with definiteness the situation of affairs in the county, and stated that John Norton, who had been recommended as first major of the lower regiment, had often disapproved "of the proceedings of the colonies," and was held in such disfavor that neither in his own town, that of Westminster, nor in any other where he was known, could he obtain a majority of votes from the people for any office in the American service. Redress of grievances of this nature was sought for. The petitioners based their plea on the ground of necessity. "Tyranny," said they, "appears so evident in the late county convention that unless a stop is put to it the county is ruined." Of a like nature was the manifesto dated the 18th of December, and signed by fifty-six of the inhabitants of Dummerston. In

* Journal N. Y. Prov. Cong., i. 180, 195, 197, 199, 205, 226, 228-231; ii. 99. Am. Arch., Fourth Series, 1775, vol. iii. col. 1830.

this, they denounced the proceedings of the convention, and declared the choice of field-officers, which had been made by the town delegates on that occasion, "an infringement on the rights of the people." This position was supported by the fact that out of the twenty-one delegates, who were entitled to seats in the convention, only nine were present, and of this number seven were in nomination for military offices. John Norton was referred to as one who was "universally known to be in opposition to the plan of liberty," and it was stated that other candidates had been presented for election, who were "much suspected of being unfriendly to the liberties of America."*

A letter from Samuel Stevens of Charlestown, New Hampshire, to the secretary of the New York Congress, written on the 18th of December, at the suggestion of some of the inhabitants of Cumberland county, verified the accounts which had been sent from the towns of Putney, Westminster, and Dummerston. In this communication he requested that no commissions should be given to any persons in either of the proposed regiments, until a candid expression "of the minds of the people, with respect to the several nominations and appointments made by their county congress and committee of safety," should be presented. An exception, however, was made in favor of those persons who had been chosen in the month of June previous, when the views of the people were seconded by the action of the delegates at the county "Congress."

On the 4th of January, 1776, during the recess of the Provincial Congress, the subject of the militia was taken up in the provincial committee of safety, of which Dr. Spooner, of Cumberland county, was a member. As no objection had been offered to the officers who had been nominated for the upper regiment and for the regiment of minute men, they were presented with commissions, signed by Pierre Van Cortlandt, the chairman, and John McKesson, the secretary of the committee. A recommendation was at the same time given to the committees of Cumberland, Charlotte, and Gloucester counties, to the effect that they should join in the nomination of a brigadier-general, and report their choice "with all convenient speed." The committee of Cumberland county were ordered to return to the Provincial Congress a list of the officers of the county militia, under the rank of field-officers, who had been or might

* *Am. Arch.*, Fourth Series, 1775, vol. iii. cols. 429-431.

be elected pursuant to the resolves of the Congress, and "with intent to remove all ground of disquiet in the minds" of the persons who belonged to the lower regiment, the committee of the county were requested to meet and nominate such field-officers for that regiment as should be deemed "best qualified for the service of their country." The people of the county were also informed, that, in case no nomination should be made by their immediate representatives in county convention, the officers of the lower regiment would be appointed by the Provincial Congress or committee of safety.

To accompany this manifestation of the views entertained by the chief men of the province, a letter exhortatory in tone and earnest in phraseology was, on the 19th of January, addressed to the committee of Cumberland county. Sorrow on account of the "jealousies and divisions" which disturbed the county was plainly expressed in this communication, and surprise was shown that greater readiness had not been evinced to engage in behalf of the cause of American liberty. "We entreat, we pray, and we obtest you," wrote the provincial committee, "as you tender not only your own welfare and happiness, but also the success of the American colonies in their present struggle for liberty, that you exert yourselves to put an amicable period to all dissensions in your county, and bring about a perfect union among the inhabitants; and for this purpose that you cause a large, respectable county committee to be elected in your county, if that has not already been done. Let every son of freedom employ his utmost efforts that our attachment to the rules of Congress, our military subordination and skill, according to their plan and directions, and our attachment to good order and government may distinguish us from our enemies, as much as the glorious cause we are engaged in." Dr. Spooner, having obtained leave of absence, was directed to carry this letter to his constituents, and was also desired to deliver the commissions to those persons to whom they had been assigned. Supplied with money from the treasury of the Provincial Congress, he departed, on the 10th of January, in the hope of being able to "restore unanimity and harmony" among those whom he represented.*

The spirit which had actuated the conduct of the people west of the Green mountains, previous to the year 1775, and which for more than a year had lain dormant, began now to manifest

* Journal N. Y. Prov. Cong., i. 237, 238, 242, 243; ii. 143.

its presence in a less violent but more determined manner. A convention was called at Dorset, on the 16th of January, for the purpose of proposing and adopting measures to advance the interests of those dwelling between Lake Champlain and Connecticut river. But few, if any, from either Cumberland or Gloucester county were present. A petition addressed to John Hancock, the President of the Continental Congress, was prepared, and persons were appointed to carry it to Philadelphia. The boon sought for by the petitioners, was that they might be ordered to "do duty in the Continental service if required," as inhabitants of the New Hampshire Grants, and not as inhabitants of the Province of New York, or as "subject to the limitations, restrictions, or regulations," of the militia of that province.*

Soon after the views of the Provincial Congress had been made known in Cumberland county, a convention of the town committees of safety was called at Westminster, on the 1st of February, and Benjamin Carpenter, of Guilford, was placed in the chair. The meeting was conducted in such a manner as was deemed most suitable for establishing "peace, harmony, and unanimity," in the county. The field-officers for the lower regiment were selected, and in making the choice, regard was had to the conduct which the candidates had displayed when the disposition to be freed from the encroachments of Great Britain became first apparent. A few days later, returns were made to Benjamin Carpenter from several of the towns in the southern part of the county, of the election of militia officers, and this information was, on the 6th of February, communicated to the Provincial Congress.†

The delegates from Cumberland county to the Provincial Congress, which assembled in February, 1776, were, Col. Joseph Marsh, of Hartford, and William Williams. The former was absent during the whole of the session, and the latter did not present himself at New York until the 24th of February. The

* This petition was read in Congress, on the 8th of May, and was referred to a committee for examination. Their report, read on the 30th, recommended submission to the government of New York for the present, and at the close of the war, a reference of the whole subject to proper judges, whose determination should be final and conclusive. Permission was granted to Heman Allen, on the 4th of June, to withdraw the petition.—*Journals Am. Cong.*, i. 337, 360, 364. *Slade's Vt. State Papers*, pp. 61–65.

† See Appendix, containing a LIST OF THE CIVIL AND MILITARY OFFICERS OF CUMBERLAND AND GLOUCESTER COUNTIES.

nominations of field and militia officers which had been made both by the representatives of the people of Cumberland, and by the people themselves, having been presented by him, on the 26th of February, were received and approved of, and, on the 1st of March, commissions were ordered to be issued for those persons whose names had been returned. He was also the bearer of a letter from the county committee of safety, in which they avowed their inability to furnish their delegate with the money "necessary to supply his present necessities." In this emergency, Peter Van Brugh Livingston, the treasurer of the Provincial Congress, was ordered to "advance on loan to Major William Williams, on the credit of the Cumberland county committee, in general, and of Benjamin Carpenter, the chairman of the said committee, in particular, and Major Williams therein named, the sum of £40, to be repaid in such manner as this or some future Provincial Congress or committee of safety shall direct."

The sum of £4,800 was, on the 13th of March, distributed among the different counties, as a loan, to enable them to defray the expenses contingent upon war and government. The share of Cumberland county was but £100, and from this sum the £40 which had been advanced to Major Williams, and the £20 which Dr. Spooner had borrowed on a former occasion, were deducted.*

Although several attempts had been made to choose officers for the brigade which comprised the counties of Cumberland, Gloucester, and Charlotte, yet these attempts had thus far proved futile. As a last resort, a circular letter was sent to the committees of safety in each of the three counties, notifying the time and place of a meeting for the purpose of completing the general military organization of that section of the province. Three representatives from each of the committees of safety of the two first-mentioned counties were in attendance at Windsor on the 22d of May, the day specified in the notification; but no delegates from Charlotte county were present. The nominations were made, therefore, by six men, and Col. Jacob Bayley, of Newbury, and Simon Stevens, of Springfield, were recommended to the Provincial Congress as worthy and acceptable candidates for the respective offices of Brigadier-General and Brigade-Major.† It was not deemed proper,

* Journal N. Y. Prov. Cong., i. 293, 321, 324, 331, 356; ii. 122.

† An account of this meeting was forwarded to the New York Provincial Congress, by Col. Joseph Marsh, one of the deputies from Cumberland county.

however, to sanction appointments of so high importance without first obtaining the sentiments of all the parties interested. For this reason, the Provincial Congress, on the 17th of June, ordered a copy of the proceedings of the committees who had made the nominations to be forwarded to the committee of Charlotte county, with a request that they would return an answer declarative of their wishes in the premises. Further action was postponed until a reply should be received. The necessity of perfecting the military arrangements of the county was, however, apparent. By the late resolves of the Continental Congress, New York had been ordered to raise three thousand men to reinforce the American army in her own province, and seven hundred and fifty to reinforce the army in Canada. Of this latter number, the quota assigned to Cumberland county, on the 7th of June, was one hundred and twenty-five, and to Gloucester, seventy-five. To hasten the work of enlistment, a bounty of \$4 each was, on the 9th, offered to the non-commissioned officers and privates of the battalions which were to be sent to Canada. The money intended for this purpose was placed by the treasurer of the Provincial Congress, in the hands of a committee of payment.*

In perusing the history of the counties, towns, and villages of the American colonies, during the earlier period of the revolutionary war, one is often inclined to inquire as to the manner in which civil government was conducted, and the means which were taken to enforce the execution of laws in the absence of executive power. The object of the American people in opposing Great Britain, it may be answered, was to free themselves from an unjust government, not to shake off or disown the obligations of law, morality, or religion. When the majority of the inhabitants of a village, town, or county had declared their unwillingness to obey rulers appointed by the King or subject to his dictation, village inspectors were elected, and town and county committees of safety were chosen. To them questions were referred, which in a better regulated state of society would have been presented in a court of law. By their decisions there was generally a readiness to abide. If any one wished to appeal to the bar of public opinion, his fellow-townsmen were sure to decide the appellant's case by the principles of equity rather than of law.

* Journal N. Y. Prov. Cong., i. 483, 488, 496; ii. 201.

In Cumberland county the people of each town chose their own committee of safety, and each town committee sent delegates to sit in the committee of safety for the county. In this manner had the affairs of the county been conducted for more than a year. At the meeting of the county committee held at Westminster in the court-house, which continued from the 11th to the 21st of June, 1776, thirty-four delegates from twenty towns were in attendance.* Capt. James Clay was placed in the chair, and Dr. Elkanah Day was chosen clerk. Business which had been laid on the table at previous meetings was on this occasion taken up and received final action. One man, who had been abusing his neighbor's wife, was by the decree of the committee committed to prison. Another, who like a second Naboth was suffering from the covetousness of some townsman Ahab, was quieted in the enjoyment of his possessions. Persons of doubtful political principles were examined, and disputes between contending parties were settled. Ignoring the principles of democratic equality, the committee resolved that every person who bore the suffix of "Gentleman," by civil or military commission, should be exempted from "general training." The public accounts of the county were examined by a special committee. An attempt was made to improve the condition of the treasury by urging upon the collectors of taxes the importance of attending to their duties. The real estate of every male between sixteen and sixty was estimated at ten pounds.

• Brattleborough,	.	.	.	Israel Smith, John Sergeants.
Chester,	.	.	.	John Chandler, George Earl.
Draper,	.	.	.	Elijah Alvord, John Gibba.
Dummerston,	.	.	.	Joseph Hildreth, Ebenezer Haven.
Guilford,	.	.	.	Israel Gurley, Samuel Nichols
Halifax,	.	.	.	William Williams.
Hertford,	.	.	.	Jonathan Burk.
Hinsdale,	.	.	.	John Bridgman, Arad Hunt.
Kent,	.	.	.	Edward Aiken, 2d.
Marlborough,	.	.	.	Jonathan Warren.
Newfane,	.	.	.	Luke Knowlton.
Pomfret,	.	.	.	John Winchester Dana.
Putney,	.	.	.	James Clay, Lucas Wilson.
Rockingham,	.	.	.	William Simons, Ebenezer Fuller.
Springfield,	.	.	.	Simon Stevens, Jerathmiel Powers.
Townshend,	.	.	.	Joseph Tyler, Samuel Fletcher.
Weathersfield,	.	.	.	Israel Burlingame, William Upham.
Westminster,	.	.	.	John Norton, Elkanah Day.
Windsor,	.	.	.	Ebenezer Hoisington, Ebenezer Curtis.
Woodstock,	.	.	.	John Strong, Benjamin Emmons.

Persons were appointed to ascertain the valuation of the saleable estate of each town, and make return thereof. Committees were chosen to draft replies to letters which had been received from the Provincial Congress, and to carry into execution the resolves which had passed that body relative to the militia of the province. An unsuccessful attempt was made to re-imprison some of the persons who had been engaged in the "Westminster Massacre," and had been released under bonds; and other matters, some trivial and many important, occupied the attention of the county committee of safety.

Measures were also taken to perfect the organization of the minute-men of the county, and to raise soldiers for the Canada service. To effect the latter object the colonel of the lower regiment, and one sub-committee man from each town comprehended in that regiment district, were desired to assemble and appoint one captain and two lieutenants, as officers of such men as might enlist for the northern expedition. A similar request was also proffered to the colonel of the upper regiment, and times and places for meeting were agreed upon. In compliance with the requisition contained in a handbill directed to the committee, an election for delegates to the New York Provincial Congress was held at the same time, and Joseph Marsh, John Sessions, and Simon Stevens were chosen to represent the county from the second Monday in July following. Ebenezer Hoisington, John Sergeants, and John Chandler, who had been previously appointed to prepare instructions for the guidance of the delegates, then presented their report, which was read by paragraphs, and deliberately adopted as expressive of the sentiments of the committee and of the people whom they represented. The instructions were in these words:—

"Gentlemen,—Having received a handbill from the Honourable Provincial Congress, recommending to the inhabitants of the county to choose delegates and invest them [with] power to establish a form of government, &c., We, the committee for this county, being warmly attached to the noble cause of liberty, and ardently desirous to have the foundation of government so laid, that the liberties of the people, both civil and religious, may forever remain sacred and inviolate—we think it our indispensable duty to give you the following instructions; and reposing the highest confidence in your honour and integrity, do rely upon it, that you will, to the utmost of your power, endeavour to carry the same into execution. We trust

the Honourable Congress will be very far from passing censure on us for being thus jealous of our liberties, especially when they consider that in times past this county has been much imposed upon, in having certain foreigners put into high places of emolument and honour, to the great grief of virtuous and honest men.

“First; we instruct you to use your influence to establish a government in this colony agreeable to the maxim, viz. that all civil power (under God) is originally in the people, and that you in no instance, in your publick capacity, will do anything to abridge the people of this fundamental right. We furthermore beg leave to say that, in our opinion, the representatives duly chosen in the several counties in this colony, when convened at New York, to all intents and purposes have full power of legislation, and that it would greatly abridge the people of their right should the representatives presume to make choice of a Governor [and] Lient.-Governor to act and transact business independent of the people.

“Second; that you use your best influence in Congress to adopt such a code of laws, whereby the liberty, property, and everything dear to the inhabitants of this colony and America in general, shall be founded on a permanent basis—a few of which laws, we humbly beg leave to suggest, might be made or enacted, viz. laws for establishing religion and literature so that ministers of the gospel may be supported, and schools set up, which must have a tendency to promote virtue and good manners.

“Third; we think it would much conduce to the happiness of this county, to have a court of justice, as soon as may be, properly organized, to take cognizance of all criminal actions. At the same time, we desire that men of character, integrity, knowledge, and virtue, who belong to our own county, may sustain the offices in such an important department. The ancient trial by jury we have a great veneration for. It is a noble barrier against tyranny. In order that our future courts may be supplied with grand jurors, we humbly request that the Honourable Congress would adopt the following method for this county, viz. that each town through the county at their annual meetings shall elect their proportion of men who shall serve as grand jurors the ensuing year, and that their names shall be properly returned in the clerk's office, in order that the jury when so chosen may inform the advocates who shall prosecute criminal

actions, of all misdemeanors in the county, passing within their knowledge. The petit jurors, in like manner, we would be glad might be chosen annually, and that their names being enrolled may be returned in the clerk's office, and when so returned may be drawn by lot for the service of the ensuing year. The gentlemen of the law (if they should be thought necessary) we hope may be men of integrity, learning, and ability. In a particular manner we desire, and insist on it, that no freeholders or men of interest in a civil action on the first process shall be apprehended by *capias*, but that they may be summoned according to ancient usage; excepting under certain circumstances, when there is not a sufficiency of estate to answer debt and cost; that constables as well as sheriffs may have power to serve all processes; that all deeds may be recorded by the town clerk in each town; that attorneys' fees and all other exorbitant fees may be lowered and reduced to the standard of justice.

"Lastly; we beg leave to suggest that, in our opinion, a frequent change of magistrates tends to prevent corruption, and keep up that equality of mankind in which by nature we are all formed. Therefore, we humbly request we may be indulged in this particular. We desire that each town in this county may nominate their own justices, and that they may not be appointed without such nomination. That justice, religion, and virtue may prevail in this colony, and that peace and tranquility may be restored through America, is the sincere desire of the committee of safety for Cumberland county."*

Such were the terms in which were conveyed ideas, honorable both to those who suggested and to those who adopted them—ideas, which, in their execution, contemplated the establishment of those principles which regulate communities and exalt nations. Another important topic discussed on this occasion, was that relative to the right of the New Hampshire Grants to secede from New York. Several of the members, representing a large constituency, favored a union with Massachusetts. Owing to this cause, a letter addressed to the members of the Provincial Congress was prepared on the 21st of June, and the representatives of the county were desired to deliver it at New York. The views advanced in this communication were expressed in these words:

* MS. records Cumberland Co. Com. Safety. In connection with the propositions suggested by the committee of safety and narrated in the text, they also expressed a desire that a court of Probate might be established in the county.

“ Upon the receipt of handbills from you, sent to us, purporting the expediency of instituting civil government according to the exigencies of the county, the major part of the people have agreed thereto, and have elected their delegates, and empowered them with their authority, to agree with you in forming a mode of government independent of the Crown, in the most mild, just, and equitable manner possible, for regulating their internal police, and for the preservation of the rights, liberties, and property of the people. This power is subjected, nevertheless, to those regulations, conditions, and restraints herewith transmitted you by the hands of the delegates of this county ; to all which they are, by their constituents in the premises, limited and restrained in such manner, that if they break over and violate those sacred instructions herewith sent you in behalf of us and our constituents, in matters of such infinite importance and delicacy, the county committee declare, in behalf of the free, patriotic people thereof, that they mean to, and hereby do resolve, to reserve to themselves the full liberty of an absolute disavowance thereof, and of every clause, article, and paragraph of such an institution.

“ Also, it is hereby acceded to, and fully meant and intended by the good people of the county, that they, notwithstanding this compliance with the requisition of the said handbills above mentioned, so directed to us for the purposes aforesaid, have fully and absolutely reserved to themselves and their heirs, &c., the full liberty of pursuing their former petition in behalf of the people, prepared some years ago, and referred to the great and General Assembly of the ancient, ever respectable, and most patriotic government of the Massachusetts Bay province, that the whole district described in the said petition, may be hereafter reunited to that province ; and reserving to themselves also the right of offering their pleas, arguments, and proofs, in full, to effect a reunion thereof, to that ancient jurisdiction, for those important reasons to be adduced when, where, and before whom the parties concerned shall be admitted to offer the same.”

This letter was signed by James Clay, chairman of the committee, and was attested by the clerk. As soon as the majority of the members had assented to it, Elkanah Day, John Bridgman, and John Norton, entered their protest against the declarations and assertions which it embodied ; and when, shortly after, it was carried to New York, their names appeared among

the opposition. Both of these productions, neither of them especially remarkable for beauty of expression or grammatical accuracy, were of great weight in regulating the future conduct of the Provincial Congress, with respect to Cumberland and Gloucester counties.*

At another meeting of the committee, which commenced on the 28d of July and ended on the 26th, the attendance was not as great as on former occasions. Eighteen delegates were present from fifteen towns. Several questions respecting the well-being of the county were entertained. Some of them received final action. The further consideration of others was postponed. In a case of bastardy which was reported to the committee, the defendant gave bonds in the sum of £50 to answer the complaint which would be made against him at the expiration of a certain specified time. One man who had been arrested, charged with counterfeiting the colonial bills, was released. Another, who had been imprisoned for the same crime, was tried, and, although not declared guilty, the circumstances connected with the case were ordered to be published in "the gazette," and the prisoner was required to discharge the costs of the suit as the condition of his release. The words, "paid up," which appear at the foot of the record, are evidence that the prisoner was glad to escape on the terms prescribed. To a widow who sought to be avenged of her adversary, the committee lent a willing ear and a helping hand. The doughty old soldier of Dummerston, Lieut. Spaulding, was cited to answer "for his conduct in taking Col. Wells by military force, that mode of proceeding being contrary to the minds" of the committee. Polite and valiant, his apologies were ample, and the complaint was dismissed. To ensure safety, a quantity of powder which had been lately received, was deposited in one of the jail rooms of the court house, and a sergeant and four privates were detailed to guard it by night, and a sergeant and two privates by day. That they might not want, "Necessary vittling and half a pint of rum to Each man once in twenty-four hours" were supplied. When a proportionate division of the powder was ordered, it was ascertained that the share of the lower regiment was eleven hundred and ninety pounds, and of the upper regiment, six hundred and ten pounds.† The deteo-

* Journal N. Y. Prov. Cong., i. 587; ii. 272.

† From this statement, it would seem that the committee of safety were in possession of eighteen hundred pounds of gunpowder. The quantity appropriated

tion of spies and informers being regarded as especially desirable, "the utmost protection" of the committee was promised to the person who should give information of "any criminal correspondence" carried on between any of the inhabitants of the county "and the King's officers in the army at Canada." From the abstract of the records of the county committee of safety which has been given in the preceding pages, an idea may be formed of the powers which were lodged in that body; powers civil, military, legislative, executive, and judicial.*

At the commencement of the session of the New York Provincial Congress, on the 9th of July, Simon Stevens and John Sessions were in attendance. They were afterwards joined by Joseph Marsh, and Cumberland county was for several months well represented in the Congress. During the remainder of the year, the meetings of the Congress were rotatory. Yielding to the necessity of the times, the members assembled either at White Plains, "in the church at Harlem," at Kingsbridge, "at the house of Mr. Odell" on Philipse's Manor, or in the Episcopal or Dutch church at Fishkill, these being places which afforded the greatest facilities for the transaction of business, and at the same time permitted communication with the American army. On the second day of the session, the title of the body was changed by a resolution, from that of "The Provincial Congress of the Colony of New York," to that of "The Convention of the Representatives of the State of New York." This alteration was adopted to prevent the recurrence of mistakes which had already been made by confounding the Congress of New York with the Congress of the United States. It was also significant of the times, for the idea of subjection conveyed by the word colony was not to be found in the word state, and the dropping of the word provincial, removed whatever else there was in the former name suggestive of the supremacy of Great Britain.

Supplies of gunpowder had already been voted to Cumberland and Gloucester counties. For the purpose of rendering their situation more secure, the Convention directed the commissary, Peter T. Curtenius, to deliver to John Sessions, three

to Cumberland county by the New York Provincial Congress, on the 30th of June, 1776, was ten barrels, of one hundred and fifty pounds each, and to Gloucester county, on the same occasion, ten barrels of one hundred pounds each. Under date of July 10th, 1776, it was stated that Col. Marsh would convey the powder to its destination, "via Connecticut river."—Journal N. Y. Prov. Cong., i. 511, 519.

* MS. records Cumb. Co. Com. Safety.

thousand pounds of lead for the use of the county of Gloucester, and four thousand five hundred pounds of the same metal for the use of the county of Cumberland. Mr. Sessions was desired to forward the lead to the general committees of the two counties "in the most safe and expeditious manner," and the committees were required "to attend carefully to the disposition" of this supply among the militia for whose use it was intended.* Attention was then directed to the adoption of means for defending the northern and western portions of the state. Exposed to the inroads of the Indians, some of the inhabitants of the more distant sections of Albany county, and many of the inhabitants of Tryon, Charlotte, Gloucester, Cumberland, Ulster, and Orange counties, had already removed into the interior, and others were preparing to change their place of residence as soon as they could select more secure localities. To prevent these removals, and to afford protection against the savages, the Convention resolved, on the 23d of July, to raise ranging parties in the above

* Of the value of lead during the revolution, and of the means which were sometimes resorted to, to procure it, some opinion may be formed from the annexed extracts, from the Journal of the New York Provincial Congress:

"March 25th, 1776. Ordered, That Mr. Samuel Prince be and he is hereby authorized to employ proper mechanics for that purpose, and to take the leads out of the window-cases of the City Hall of this city, and also out of the Exchange in this city of New York; to keep an account of the weight of lead taken out of each building separately, that the weight of lead taken out of each may be known, and that Mr. Prince cause the said lead to be delivered to Mr. Curtenius, or his order." i. 384.

"June 29th, 1776. Whereas, it has been represented to this Congress that lead will speedily be wanted for the use of the army in the defence of this city and Colony: Therefore,

"Resolved, That Messrs. Daniel Duncombe and Samuel Prince be requested and authorized, and they are and each of them respectively is hereby authorized, and empowered, and requested to take to their assistance such persons as they may think proper, and forthwith to cause all the lead of the windows in this city, and also all the leaden weights, (except such small weights as are in use in the course of trade,) to be collected and delivered to Peter T. Curtenius, Esqr., for the use of this Colony, taking his receipt for the same; that a particular account be kept of the lead taken out of each house, in order that the respective proprietors may receive compensation for the same." i. 511.

"July 11th, 1776. Resolved, That the general committee of the county of Tryon, be and they hereby are authorized and requested to employ proper persons to take the leaden weights out of all the windows in the said county, and apply so much thereof as may be immediately necessary, to the use of the militia of the said county; that an exact account be kept of the quantity taken from each house, to the end that payment may be hereafter made for the same; and that the said committee do transmit an account thereof to this Convention with all convenient speed." i. 521.

named counties, to scour the woods and expel the Indians who infested them. Cumberland and Gloucester were ordered to raise, together, two hundred and fifty-two men, "for the joint defence of both counties." This force was to be divided into four companies, and each company was to consist of one captain, two lieutenants, three sergeants, three corporals, and fifty-four privates. The commissioned officers were to be nominated by the mutual consent of the committees of both counties, and it was recommended that they should be "persons of sober and active dispositions." The command of the companies was vested in a major, to be appointed by the Convention. This officer was required to "march to the relief of any of the neighboring counties or states, upon a mutual application from the county committees of such respective counties or states, or upon an application from the continental officer commanding in the northern department." A provision was, however, inserted, by which "the continental officer" was not permitted to order the companies beyond the limits of the counties of Cumberland, Gloucester, and Charlotte. The pay of the officers and privates was the same as that of the continental troops. A bounty of \$25 was allowed to each non-commissioned officer and private "upon his passing muster."* In lieu of rations, a certain sum was paid, weekly, in the following ratio. To each captain, 16s. ; to each lieutenant, 14s. ; and to each non-commissioned officer and private, 10s. The officers and privates were required to furnish themselves each, "with a good musket or firelock, powder-horn, bullet-pouch and tomahawk, blanket and knapsack." Such were the more striking features in the organization of the ranging companies, as afterwards established in the counties of Cumberland and Gloucester. The plan adopted for the other counties in the state, did not differ from that above detailed, except in a few unimportant particulars. On the day following the passage of these measures, Joab Hoisington, of Windsor, on the recommendation of the members from Cumberland county, was unanimously appointed by the Convention to the office of "major of the rangers," and the secretary was ordered to prepare his commission.†

* By a subsequent resolution, one half of this sum was to be paid "to every able bodied man" who should pass muster ; the other half as soon as "the first muster roll of every company" should be received by the Convention. For the payment of the first half of the bounty, the sum of £1200 was advanced to the deputies of Cumberland county.—Journal N.Y. Prov. Cong., i. 589, 640.

† As the style of this commission is somewhat novel, a copy of it is here inserted.

In consequence of this organization, the Convention ordered Mr. Curtenius to deliver to Messrs. Marsh, Stevens, and Sessions, "for the use of the rangers and inhabitants" of Cumberland and Gloucester counties, the supply of lead which had been previously allotted to these counties. The deputies were also supplied with two thousand flints, and the treasurer of the state was directed to advance the sum of seventy pounds to enable those gentlemen to transport the lead and flints to the counties for which they were intended. By the provisions of the militia bill, passed on the 22d of August, 1775,* the sixth brigade of the militia of the province comprised the counties of Charlotte, Cumberland, and Gloucester. For the convenience of all concerned, this brigade was divided and another arrangement was effected. The militia of Charlotte county were formed into one brigade, and the militia of Cumberland and Gloucester into another. Of the latter Jacob Bayley, of Newbury, was appointed brigadier-general, and Simon Stevens,

" In Convention of the Representatives
of the State of New York.

" To Joab Hoisington, Esqr., Greeting :

" Whereas, this Convention did on the 23d day of July inst. direct and order the raising and embodying two hundred and fifty-two men, officers included, in the counties of Gloucester and Cumberland, for the joint defence of both counties, and of the neighbouring counties and States, to be divided into four companies, to be under the command of a major :

" Now, therefore, we, the representatives of the State of New York, reposing especial trust and confidence in your patriotism, martial valour, vigilance, conduct, and fidelity, do by these presents constitute and appoint you to be major of the said four companies of rangers, so to be raised as aforesaid, for the defence of American liberty, and for repelling every hostile invasion thereof. You are, therefore, carefully and diligently to discharge the duty of major by doing and performing all manner of things thereunto belonging; and we do strictly charge and require all officers and soldiers under your command to be obedient to your orders as major; and you are to observe and follow such orders and directions from time to time as you shall receive from this or a future Convention of the State of New York, or the Congress of the United States of America, or Commander-in-Chief for the time being of the army of the United States of America, or any other, your superior officers, according to the rules and discipline of war, in pursuance of the trust reposed in you.

" This commission to continue in force until the end of the present war, unless sooner revoked by the Congress of the United States of America, or the Convention or Legislature of the State of New York.

" Dated at White Plains, in Westchester county, the twenty-fourth day of July, one thousand seven hundred and seventy-six.

" By order of the Convention."

—Journal N. Y. Prov. Cong., i. 540, 541.

* See *ante*, p. 249.

of Springfield, major.* Although, on account of their poverty, the inhabitants of Cumberland county were unable to give but little pecuniary assistance towards carrying on the war, yet the state of New York did not on this account withhold from them her aid. The return which they made by levies of men was, it is true, a partial recompense for the means of defence with which they were furnished. But there was wanting on their part the spirit of hearty co-operation, a spirit without which division is made certain and defeat invited.†

As soon as the resolutions of the Convention in regard to the ranging companies had been officially published, a joint meeting of the committees of Cumberland and Gloucester counties was notified for the purpose of nominating the commissioned officers. Pursuant to the notification, thirteen members of the two committees assembled at the town-house in Windsor on the 6th of August. In settling preliminaries, it was agreed that three of the captains and four of the lieutenants should be inhabitants of Cumberland county, and the remainder, one captain and four lieutenants, from Gloucester county. The appointments from the former county having been made, it was thought best, on account of the small attendance from Gloucester county, to call another meeting before completing the list of officers. This sentiment was favorably received, and a committee of four from Cumberland county were instructed to co-operate with the general committee of Gloucester county in making the remaining nominations. In the course of the following week the business was completed, and return was made to Major Hoisington that he might obtain the necessary commissions from the New York Convention.‡

* The original MS. commission of Major Simon Stevens, is now in the possession of the Hon. William M. Pingry.

† Journal N. Y. Prov. Cong., i. 515, 519, 521, 538-540, 543, 551, 552.

‡ Much dissatisfaction seems to have prevailed at the time as to the manner in which the meeting at Windsor was conducted. By the records of the committee it appears that thirteen members were present. Another account states that ten only were present, of which number nine were from Cumberland, and one from Gloucester county. James Clay, who was chairman on the occasion, was unwilling to proceed with business, not only on account of the smallness of the attendance, but also on account of the shortness of the time, six days, which had intervened between the time of notification and the time of meeting. These objections were, however, overruled by Major Hoisington, who declared that a quorum was not necessary to transact the business for which they had assembled. The title of Major, it is evident, was peculiarly flattering to the vanity of Hoisington. The power with which it invested him, namely, the direction of two

The dissatisfaction with the jurisdiction of New York, which on the western side of the Green mountains had again become prevalent, was now beginning to show itself in another quarter. At a meeting which had been held at Dorset, on the 24th of July, on which occasion fifty-one delegates from thirty-five towns were present, a resolution had been passed, one member only dissenting therefrom, that "suitable applications" should be made to obtain the formation of the New Hampshire Grants "into a separate district." By another resolution, a committee had been appointed "to treat with the inhabitants on the east side the range," for the purpose of obtaining their consent to this project. An association had been formed, expressive of the views of the mountaineers on the subject of the war, and an adjourned meeting had been agreed on.*

When the committees of Cumberland and Gloucester counties assembled at Windsor, on the 6th of August, as previously mentioned, to nominate officers for the ranging companies, Heman Allen, Jonas Fay, and William Marsh, the Dorset committee, were also present. Various papers were read by them bearing upon the subject of a separate jurisdiction; the boundaries of a new state were described; and the approbation of the committees was sought to the projects of the Dorset convention. In

hundred and fifty-two men, led him to utter many indiscreet words, and to perform not a few injudicious actions. When, on one occasion, he received orders from General Gates, to the effect that Capt. Wait's company, belonging to the ranging service, should guard the Crown Point road, which extended from Connecticut river to Lake Champlain, he replied, falsely, that the rangers were not raised for such service, and, disregarding the order, wrote for his men to march immediately to Newbury, where he was then stationed.

The names of the officers nominated to take the command in the ranging service were read in the New York Convention on the 26th of September, 1776, and were before the house several days. On the 10th of October commissions were granted, and on the 23d the officers were "sworn to the faithful discharge" of their respective duties.—MS. Records Cumb. Co. Com. Safety. Miscellaneous Papers in office Sec. State N. Y., xxxiv. 587; xxxv. 815; xxxvi. 191, 205, 206, 212, 218, 218, 289. Journal N. Y. Prov. Cong., i. 646, 647, 659, 669; ii. 214. See Appendix, containing a LIST OF THE CIVIL AND MILITARY OFFICERS OF CUMBERLAND AND GLOUCESTER COUNTIES.

* The agreement entered into on this occasion was in these words:—

"We, the subscribers, inhabitants of that district of land commonly called and known by the name of the New Hampshire Grants, do voluntarily and solemnly engage under all the ties held sacred among mankind, at the risk of our lives and fortunes, to defend by arms the United American Colonies against the hostile attempts of the British fleets and armies, until the present unhappy controversy between the two countries shall be settled."—Journal N. Y. Prov. Cong., ii. 211 MS. Records of Chester.

support of the proposed measures Mr. Allen told Mr. Olay that he had consulted with several members of the Continental Congress who had recommended to him and his coadjutors to ascertain the feelings of the people concerning the formation of a new state. He also reminded him, that if the inhabitants of the "Grants" should accede to the form of government which would soon be adopted for the state of New York, they would have no opportunity to withdraw their support therefrom at a future day.

For the purpose of ascertaining the views of those residing east of the Green mountains, upon the measures suggested by the committee from the Dorset convention, the people in each town were invited to assemble in town-meeting and express their opinion as to the course which they should deem it best to pursue. In Rockingham, on the 26th of August, the inhabitants voted "to associate with the inhabitants of that district of land commonly called and known by the name of the New Hampshire Grants." They also chose two delegates to attend the convention to be held at Dorset in the fall, and instructed them "to use their best influence" to obtain the passage of such resolves as would tend to establish the "Grants" as a separate and independent state. At "the fullest meeting ever known in Chester," held on the 2d of September, similar measures were adopted, and the association which had been formed at the Dorset convention, was signed by forty-two of the inhabitants. A like spirit pervaded many of the other towns in the two counties. In some, however, there were two parties, and in a few, as in Halifax, where the inhabitants voted not to send a delegate "to meet the Green Mountain Boys," no disposition was shown to throw off the jurisdiction of New York.

At the adjourned convention, which was held at Dorset on the 25th of September, representatives were present from both sides of the mountains. Loyalty to American principles, as embodied in the Revolution, animated the discussions which took place, and gave character to the measures which were proposed. Yet, while declaring their determination to support the general government of the United States, the members resolved that "no law or laws, direction or directions" from the state of New York would be accepted by them, or be regarded by them, as of the least weight or authority. The little leaven of dissatisfaction had worked its effect in silence, and the whole lump was fast becoming assimilated.*

* *Miscellaneous Papers, in office Sec. State N. Y., xxxvi. 193, 197, 233. Jour-*

While the inhabitants of Cumberland county were thus wavering between duty and inclination, debates relative to the course which it was proper to pursue towards them, occupied the time of the New York Convention. Major Hoisington having completed his enlistments for the rangers, sent the muster-rolls to the Convention, with a request that the remainder of the bounty money then due, together with an allowance for rations, and the wages for the first month, might be immediately sent forward. Discussions ensued, which were finally cut short by a motion, offered on the 26th of September, to comply with the Major's request. To such a course it was objected that the Cumberland county committee of safety had, by their letter of the 21st of June previous,* "reserved or pretended to reserve to the people of that county a right of seceding from the government" of New York; that the state had "already been at great expense" for the county, and that further expenditures on its account ought not to be made until the jurisdiction of New York should be fully acknowledged by its inhabitants. Messrs. Stevens and Sessions were then asked whether, as representatives, they acknowledged the jurisdiction of the state over the county. Their answer was in the affirmative. The subject was resumed on the 27th, and the examination of the deputies was continued. In reply to the interrogatories of the Convention, they declared that they were elected by the people of the county at large, that the county committee was formed by two members sent from each of the town committees, which town committees had been chosen long before the late election for deputies to represent the county in the state Convention had taken place; that they were "very confident" the county committee had no directions or instructions from the people of the county to advance such sentiments as were contained in the letter of June 21st, or to make such declarations or reservations as were therein mentioned, and that that document was prepared in order "to prevent any division in the county, as some few towns in the county were opposed to sending deputies to the Convention unless with such instructions." For his own part, Mr. Stevens stated that he had no particular instructions from the people of his town; that he believed the people of the other towns gave none; that he conceived the credentials from

nal N. Y. Prov. Cong., ii. 311. Slade's Vt. State Papers, pp. 66, 67. Doc. Hist. N. Y., iv. 923, 924.

* See *ante*, pp. 260, 261.

the county gave him "full and unrestrained power in forming a government," and that he did not consider himself bound to abide by the imposed instructions except in cases where they agreed with his own judgment. Mr. Sessions also declared that he should deem it his duty "to pay regard to his instructions so far as to lay them before the House, and obtain a compliance with them," in so far as they should "appear to be right and beneficial." In answer to another question, both gentlemen informed the Convention that they did not deem themselves required to follow the instructions, when, by pursuing such a course, injury might accrue to the state, or when a majority of the members might declare against the sentiments inculcated by them. At this stage of the proceedings the Convention were informed that the committee, who had been chosen on the 24th of August to report on the letter of June 21st, had made no return, and that the greater part of the members of that committee were absent. William Duer, James Duane, Zephaniah Platt, John Sessions, and Simon Stevens were thereupon constituted a new committee, and the whole subject was referred to them, with a request that they would examine it thoroughly, and recommend "with all convenient speed" measures consistent with the character of the state and the situation of the county. To this committee John Jay was subsequently added.

A detailed history of the course which had been pursued towards Cumberland county, in connection with the establishment of the ranging companies, occupied the first part of the report, which on the 4th of October was submitted to the Convention. The meaning of the letter of June 21st was also considered, and objections were raised against paying the money demanded by Major Hoisington. In support of these objections it was stated that there was no evidence from the muster-rolls, which had been returned, that the officers and privates therein mentioned, had furnished themselves with the accoutrements required, or that other preliminary matters had been legally arranged. The benefits which the state had bestowed upon the sparsely-settled county were then recited, and in continuation of and enlargement upon this topic, the report proceeded in these words:—

"From this state of facts it appears to your committee that the former Congress, and present Convention, have manifested the most ready and cheerful disposition to protect the inhabit-

ants of Cumberland, at the public expense, in common with their other constituents, and without the least partiality or distinction. That liberal supplies of men and money, and ammunition and warlike stores, according to the abilities of the state, have been granted them, as soon as their wants have been disclosed. That this committee neither know, nor have heard, of the least cause of complaint or uneasiness, that has been given to any of those inhabitants by this state, or any under its authority, during the present contest for our rights and liberties.

“ If under the former government individuals may have been injured, it ought to be remembered, that to rescue ourselves from the oppressions of that government, the United States of America, submitting to all the miseries of war, have asserted their independence. It is unquestionable that the jurisdiction of this state over the territory which now comprehends the county of Cumberland, is coeval with its first formation as a colony, under the Crown of Great Britain, and accordingly that county was erected, and hath been represented. Laws have been passed for its internal regulation, courts established, civil and military officers appointed, and many charters for lands and privileges confirmed, by the sole authority of New York. Your committee, therefore, conceive it to be the indispensable duty of this Convention to preserve and maintain their jurisdiction over the said county, by every wise, steady, and prudent measure in their power, at a time when this state is invaded and pressed by powerful armies, when our utmost exertions are necessary, and we are straining every nerve for the common cause of America, for the general defence of this state, and for the more immediate defence of the county of Cumberland.

“ At a time when every virtuous member of the community is loudly called upon to assist his bleeding country, and harmony and mutual confidence are so essential to our preservation, and to the success of the greatest and best of causes—at such an important and decisive conjuncture, your committee cannot but lament that any of the inhabitants of the county of Cumberland should suffer themselves to be so far misguided as to assert a claim and principles subversive to all government, derogatory to the dignity, rights, and jurisdiction of this state, manifesting an unbecoming return for the assistance and protection they have received out of the public treasury of their fellow-subjects at large, and implying a latent design, by a future separation from the state, to leave the whole burthen of

the present cruel and expensive war to be sustained by the rest of the community. If the extraordinary injunctions in the letter from their committee should be vindicated, it must follow that the form of government dictated by a party, from the best information, by no means the majority of the county, is to be adopted, however injurious to the general interest of this state, or disagreeable to other counties, and however unreasonable it might, on public debate, appear even to their own immediate representatives; and thus a single county is to control the whole state, prescribe its constitution and government, and establish its laws on pain of separation. From a parity of reason every other county, and even district and town within this state, might arrogate the same power, and instead of producing order, security, and a wise and permanent government—the great and salutary purposes for which this free Convention was elected and assembled—anarchy and confusion must be the fatal result. Your committee are satisfied, however, that the letter does not convey the sentiments of the majority of the good people of the county of Cumberland, and that the general committee will, upon cool reflection, be at no loss to perceive its want of respect to this Convention, and its dangerous tendency not only to the state, but to the common cause of America; and that after a deliberate revision they will cordially correct it, and give this Convention reasonable assurances of their attachment to its jurisdiction, and of their intention to share its blessings and misfortunes, its protection and its burthens, like faithful and affectionate fellow-citizens. Such a course your committee earnestly recommends as the best and surest means of removing the uneasiness which a measure so unexampled has excited, and of promoting the most perfect harmony and good understanding throughout every part of this state. In confidence, therefore, that a thinking and reasonable people must see that their own interest and preservation, as well as the safety of the state to which they belong, and the success of the great cause in which the whole continent is engaged, cannot but be weakened by dissension, and by countenancing the factious and self-interested, your committee are of opinion that the requisition of the commanding officer of the ranging companies of Cumberland and Gloucester counties should be complied with, lest the good people of those counties, being disappointed of the aid and protection provided by this state, may suffer from the incursions of their enemies, before an explanation of the said

letter can be obtained from the committee of Cumberland, and have, therefore, agreed to the following resolutions:—

“First: Resolved, That it is the opinion of this committee that the sum of \$6,412 $\frac{1}{2}$, being the remaining part of the bounty money, and month's wages, and rations due to the officers and men of the four companies of rangers, raised and established for the immediate protection and defence of the counties of Cumberland and Gloucester, under the command of Major Joab Hoisington, be forthwith transmitted for their use. But inas-much as it does not appear, by the returns of the commanding officer or otherwise, that the men are equipped and furnished with arms or accoutrements, or that the officers have been qualified to make up their muster-rolls and returns agreeable to the directions of Convention;

“Second: Resolved, That it is the opinion of this committee, that a committee from this Convention be appointed to see that the said money is faithfully applied, agreeable to the establishment of the said rangers; for that purpose consulting with the general committee of the said counties. That they be further authorized to call upon the commanding officer and other officers of the said rangers, and, if they shall find it necessary, to review the respective companies. That they be instructed to inquire into the temper of the inhabitants of the said county, and the grounds of any discontent which may prevail among the uninformed, or which may be encouraged by designing men, and use their endeavours to remove the same, and to frustrate any attempt to sow the seeds of jealousy and disaffection. And, lastly, that they represent to the committee of the said county of Cumberland, the wisdom and propriety of a revision of the said letter, and of an unreserved submission of the said county to the jurisdiction of this state, so that all cases of distrust may subside, and the harmony, which is so essential at this important conjuncture, may be fixed on the surest foundation.”*

By a subsequent resolution this report was accepted, and was declared to be the act of the Convention. Mr. Sessions, one of the deputies, and John Taylor, of Albany county, were requested “to proceed to the county of Cumberland,” and with Col. Marsh, to form a committee to secure compliance with the resolutions which had been passed. The treasurer of the state

* Miscellaneous Papers, in office Sec. State N. Y., 1776, xxxv. 473-484

was ordered to pay the sum demanded by Major Hoisington, and \$200 additional, to defray the expenses of the committee appointed to visit the county. At the same time the commissary of the Convention was instructed to deliver three thousand flints to the deputies from Cumberland, two-thirds of the quantity being intended for the use of that county, and the remainder for the use of Gloucester. On the 5th of October, Mr. Stevens, having obtained leave of absence for three weeks to visit his family, was added to the committee who had been chosen to carry into effect the late resolutions of the Convention. Five hundred copies of the resolutions were ordered to be printed, and distributed in the counties to which they particularly referred, and in other parts of the state. To avoid mistakes, and to afford time for deliberation, the committee, who had reported upon the course which it was necessary to adopt towards Cumberland county were, at the request of their chairman, James Duane, allowed to sit again. Other applications made by Major Hoisington, in the course of the month, were received with favor, and satisfactorily answered.

In conformity with his duties, the Major had taken post at Newbury, that he might be able to watch the movements of the Indians and Tories, and guard the northern frontier from their incursions. From his position he was enabled to send to Generals Gates and Schuyler information of a valuable character, obtained from spies and deserters. During the engagement on Lake Champlain between the British and American forces, in the month of October, when it was feared that an attack would in the end be made upon Ticonderoga, messengers were sent to the New York Convention with a request for immediate assistance. The committee of safety, who were in session during the recess of the Convention, appointed a large committee on the 19th, to co-operate with Gen. Schuyler in devising such measures as would ensure protection, and to this end, invested them with power to call out the whole or any part of the militia of the counties of Tryon, Charlotte, Cumberland, Gloucester, and Albany. The summons to arms was answered with spirit. The assistance of the troops was not, however, required on this occasion, for Gen. Carleton did not advance north of Crown Point. Having reached this place, he remained there until the cold weather rendered a longer stay impracticable. He then re-embarked for Canada, leaving the reduction of Ticonderoga unattempted.

Owing to the excitement prevailing in Cumberland county consequent upon the disturbances on the Lake, the committee who had been chosen to publish the resolutions of the Convention, found it difficult to accomplish that task in a satisfactory manner. By the information of John Taylor, communicated on the 3d of November, it appeared that some of the people were in favor of the establishment of a new state, "some for joining New Hampshire, others Massachusetts, many for remaining under New York." Referring to this state of feeling, he remarked: "I endeavoured to dissuade them from persisting in such idle and delusive schemes, which would meet with the approbation of such only as were fond of changes." But as his arguments did not avail, he proceeded to evince his zeal by his acts. From the side of a tavern in Marlborough he took down a notification of a town meeting, which had been called for the purpose of ascertaining the sentiments of the inhabitants respecting a revolt from New York. In giving an account of this affair on a subsequent occasion, he remarked with pleasant naïveté, or consummate impudence, "the inhabitants accused me of being guilty of a desperate mean act. They could not proceed to business for want of the notification, as the town clerk had no other minutes." His report, though neither accurate nor particular, presented a condition of affairs unfavorable to the continuation of the jurisdiction of New York over the New Hampshire Grants.*

Before the resolutions of the Convention concerning Cumberland county had passed, James Clay, by the advice of Col. Williams, one of the former deputies, had issued circular letters containing a request that the people of each town would assemble and make known their intentions relative to the course they should pursue on the question of state jurisdiction, in order that their proceedings might be laid before the county committee of safety at the next meeting. Written returns were received from a few towns; verbal messages from others; but the majority did not deem it practicable to offer a reply. The greater part of the inhabitants of Hartford favored a separation from New York, but desired that an application to that effect should be made in the state Convention before the subject was brought before the Continental Congress. The particular sen-

* Journal N. Y. Prov. Cong., i. 587, 646-648, 657, 659-662, 676, 684: ii. 317. Williams's Hist. Vt., ii. 82-88. Miscellaneous Papers, in office Sec. State N. Y., xxxv. 148, 149.

timent prevailing at this time was favorable to a peaceable revolt, if a revolt should be declared necessary to the well-being of the people. On the 5th of November, the county committee of safety assembled at Westminster. When the meeting was declared organized on the 6th, there were present nineteen representatives from sixteen towns. The session was, in many respects, a stormy one. A few questions arising from the disagreement of individuals were equitably decided, and others were referred to a future occasion. A certain man who had deprived his neighbor of the use of a "run of water," was commanded to restore the privilege, and was reminded that no person had a right to deprive another "of that which God and Nature" intended for the benefit of all. Complaint was made, and the fact was proved, that Solomon Phelps of Marlborough, had made himself obnoxious to those engaged in administering the affairs of the county. In consequence of this, the county committee ordered the committee of safety for the town of Westminster, at which place Phelps was then visiting, "to take and convey him to y^e committee of the next town, and so on till he is conveyed, as was the practise in times past, to his own home." Such was the summary mode adopted by the early inhabitants of the "Grants," in dealing with those who, by misfortune or accident, manifested an unbecoming acerbity of disposition, or showed too little regard for the sentiments of the people or community with which they were connected.

But the most important topic which occupied the attention of the committee was the letter of June 21st, which had been written by Charles Phelps, and which had proved especially obnoxious to the New York Convention. Those who were willing to remain under the jurisdiction of New York wished to withdraw it from the Convention; those who were not disposed to acknowledge allegiance to that state regarded its sentiments with favor, and were not disposed to recall it. When the question was taken, the motion to withdraw prevailed. As soon as the result was made known the minority determined to resent this declared opposition to their wishes. They accordingly denounced the acts of the majority as repugnant to the resolves of the Continental Congress, and entered their protest against any further proceedings on the part of the county committee of safety as then constituted. Explanations followed close upon their declaration, and the bolters were at length induced to withdraw their protest, and sit again as members of

the committee of safety. A committee were then chosen to take into consideration a proposition to recall the letter then before the Convention, and substitute another in its stead. Their report was in these words:—

“The committee appointed by this body, to take under consideration the expediency of the letter sent from this body to the Convention of the state of New York, dated June 21st, touching being laid to some other state, &c., &c., report:—that, whereas, the committee of the county of Cumberland have received a handbill from the Convention of the state of New York, directing this committee to withdraw a letter sent to them from this body, bearing date the 21st of June last—We, the committee as aforesaid, having taken the same under consideration, report: That said letter ought to be withdrawn, and that we, notwithstanding, ought to enjoy all the privileges that any county in this state enjoys, and that we hold it our right to present to the Honourable the Provincial Convention of this state, a petition and remonstrance, setting forth those grievances that are the cause of the uneasiness that subsists among us, for their wise consideration and redress. And if, on proper deliberation, it may be thought proper a separation should be most conducive to the peace and happiness of this county, we do not preclude ourselves from the privilege of presenting our petition to the Hon^{ble} the Continental Congress for their wise determination. We still mean to pay all due deference to the state of New York, and pay our proportion of the necessary charges of the state.”

This report was accepted, and having been embodied in the form of a letter, was sent to the New York Convention. An amicable arrangement having been thus effected, the committee of safety was adjourned to reassemble on the first Tuesday of June, 1777, “and not sooner except on emergent call.” So discordant were the elements of which the county was composed, that it was found necessary to issue an “emergent call” early in the following month. In compliance with this call, the committee of safety convened at Brattleborough on the 2d of December. An attempt was then made to prepare a representation of the “broken situation” of the county. To such a course some of the members objected, and as the others were not disposed to yield, the objectors withdrew and broke up the meeting. The few who remained addressed a letter to the county representatives in the New York Convention, and de-

sired them to lay before their colleagues such a description of the state of the county as the circumstances would warrant. This was the only business transacted, and the members retired without naming any time or place for another meeting.

On the same day, the freeholders of Chester assembled in town meeting, and appointed Thomas Chandler to prepare a memorial to be sent to the New York Convention, setting forth the sentiments of the majority of the inhabitants of that town respecting the manner in which the affairs of the county had been conducted; and remonstrating against the propriety of allowing the representatives from Cumberland county to sit in Convention, when they had been chosen to that position by less than one-quarter of the votes of the people. The memorial was presented to the people a week later, and having been approved of, the author of it was chosen to proffer it whenever a fitting opportunity should occur.

In addition to the disaffection arising from troubles of a civil nature, discord began to prevail in the ranging companies of the two counties. Major Hoisington had demanded of the New York Convention certain wages which he declared were due his men. The payment of this claim was delayed, because it had been neither satisfactorily stated nor proved. Failing to receive their wages, the men were not easily prevailed upon to do duty, even when their aid was most needed. In this emergency Gen. Jacob Bayley, of Newbury, wrote, on the 20th of November, to the committee who had been appointed to settle the difficulty with the rangers, in these terms: "If our rangers have not what was engaged them, viz. bounty, one month's pay, and billeting, we have no right to command them; and if that payment is not made, we must not expect them on any duty; and if General Gates, who doubtless stands in need of them, should call for them, he must be disappointed. Where the blame lies I cannot say. However, it is my opinion that the Major be paid according to his rolls, if authentic; afterwards he may be called to account, if he has been faulty. Otherwise, the whole had better now be dropped; better now than when one or two months' more time is spent to no purpose."

The prospect that the county would much longer remain, of its own accord, a part of the state of New York, was every day becoming more and more uncertain. At the close of the year 1776, the disaffection had become so general that many of the principal men were ready to announce their secession, and join

in forming a free and independent state, to include the whole of the New Hampshire Grants lying between Connecticut river and Lake Champlain.*

* Miscellaneous Papers, in office Sec. State N. Y., xxxvi. 191-196, 199-235
MS. Records Cumb. Co. Com. Safety. Journal N. Y. Prov. Cong., ii. 210, 214,
315. MS. Records of town of Chester. Doc. Hist. N. Y., iv. 922, 923.

CHAPTER XI.

THE FORMATION OF THE STATE OF VERMONT.

Disaffection of the Inhabitants of the "Grants" towards New York—The Rangers—The Westminster Convention—"New Connecticut, *alias* Vermont"—Report on the condition of Cumberland and Gloucester counties—Appeal to Congress—Efforts to obtain the Services of the Rangers in behalf of the State of New York—Col. William Williams's opinion—Attempts of John Sessions to establish peaceful Relations—Letter of Bayley, Clay, and Sessions—Commissioners appointed by New York to take charge of the Property of those who had left the State—New York adopts a State Constitution—Powers of the Committees of Safety enlarged—The first State Election ordered in New York—Meeting of the Friends of New York in Brattleborough—Their Report—Resolutions of the New York Convention thereon—Meetings of the Cumberland county Committee of Safety—Their "True Representation"—Sanitary Measures—Adoption of the Constitution of Vermont—Congress refuses to countenance the Proceedings of the New State—The Rangers ordered to Kingston—They Refuse to Obey—Charles Phelps attempts to procure Arms from Massachusetts—His Petition and the Reply—Alarm at the expected Approach of Burgoyne—Burgoyne's Instructions to Baum—The Victory at Bennington—The increasing power of Vermont—George Clinton elected Governor of New York—Action of the Cumberland county Committee of Safety—Charles Phelps's statement of the right of Massachusetts to a Portion of the Territory of the State of Vermont.

MANY there were, in the state of New York, who would have gladly denied the existence of any alienation between that government and the inhabitants of the New Hampshire Grants had not the fact of such an alienation been too clear to admit of a doubt. An occasional forced admission, by the former government, of the real condition of affairs, was also significant of the pains which were generally used by one of the parties to conceal it. Near the close of the year 1776, Washington ordered Gen. Heath "to march to the grand army on the banks of the Delaware, with the troops under his command." In the recess of the New York Convention, the state committee of safety informed his Excellency, that it would be unsafe to comply with his requisition, and advised some other course. In their letter to him,

dated January 1st, 1777, containing these suggestions, they said: "On this occasion, we beg leave to lay before your Excellency the true situation of this state. It formerly consisted of fourteen counties, of which five, and a part of the sixth, are in possession of the enemy, and a considerable part of the inhabitants of the counties of Gloucester, Cumberland, and Charlotte, appear determined to shake off their dependence upon us, so that above one half is lost; of the remainder, a considerable proportion is disaffected, and ready upon a favorable opportunity to join the enemy." Such was the light in which even the most sanguine were compelled to view the situation of the "Grants."

Notwithstanding these disheartening prospects, the wants of the counties of Cumberland and Gloucester were still supplied, to a certain extent, by the state of New York. The four ranging companies, whose aid had not proved as effectual as many had supposed it would prove, clamored loudly for their wages, although they were almost forced to confess that they had not earned them. Their major, Joab Hoisington, had journeyed to Fishkill, where the state committee of safety were in session, to obtain a settlement for them. This he partially effected, but being detained beyond the time fixed for his absence, he was forced, on the 11th of January, to apply to the committee for funds to enable him to return. His request was granted, and wages were paid him on account of services rendered, and to be rendered by him in his official station. A resolution was also passed on the 14th, by which the Convention agreed to lend to the county of Cumberland "a sum not exceeding £300," on certain just and easy terms. Owing to the neglect of the committee of Cumberland county to furnish their representatives with money, Sessions and Stevens applied to the Convention for the wages due them for their services rendered as members of that body. In answer to this request, £70 were advanced to them, and they were requested to account for that amount to the county committee, who were directed to consider it as a part of the £300 loaned by the Convention to the county.*

While New York was endeavoring to bind the wavering counties to herself by acts of kindness, they were striving openly and in secret to effect a separation. On the 15th of January, an adjourned meeting of the convention of the "Grants" which had assembled at Dorset in September of the previous year,

* *Journ. N. Y. Prov. Cong.*, i. 753, 770, 771: ii. 379.

was held at Westminster. By a report made on that occasion, it appeared that more than three-fourths of the people of Cumberland and Gloucester counties, who had acted upon the subject, were in favor of a new state. The rest were viewed as neutrals. On the west side of the mountains where the project had made most head, separation from New York was not only regarded as necessary, but inevitable. A committee appointed to prepare a report expressive of the views of the convention, presented the result of their deliberations, in the form of a declaration of rights and independence. The statements and avowals which it comprised, were adopted unanimously, and the district of territory, known as the New Hampshire Grants, was proclaimed a separate and independent state, and was called "New CONNECTICUT *alias* VERMONT." An account of these proceedings was transmitted to the Continental Congress, accompanied by a prayer that the declaration of the people might be received, and New Connecticut ranked "among the free and independent American states, and delegates therefrom admitted to seats in the grand Continental Congress."*

While measures like these were engaging the attention of the inhabitants of the new state, the New York state committee of safety were engaged in devising means to stop the revolt, and bring back the disaffected to their allegiance. The gentlemen appointed to visit the two river counties and inquire into their condition having returned, had announced their readiness to submit the result of their investigations. A hearing was granted them on Saturday, the 18th of January, and while their chairman was reading the report they had prepared, the Cumberland deputies listened in silence and with sorrow to the accounts which they too well knew were true in each particular. The arguments which had been made use of by the Green Mountain Boys to swerve their ultra-montane brethren from the path of duty were detailed at length, and although some of them were baseless, many were so specious as to call for a good share of discrimination to detect their fallaciousness, while

* The convention, after sitting from the 15th to the 22d of January, adjourned to meet at Windsor on the first Wednesday in June following. There appears however, to have been a meeting intermediate. A call was issued on the 30th of January by Nathan Clark, for a convention at Dorset, and by the records of the town of Chester, it seems that Lieut. Jabez Sargeant was chosen on the 13th of February, to attend the special convention, and act "for the good of the state of New Connecticut, and for the town of Chester, according to the best of his understanding."—MS. Records of Chester. Slade's Vt. State Papers, pp. 68-78.

others were sound and conclusive. When the reading was finished, every member then present, and "every member in the neighbourhood" to whom notice could be sent, were directed to attend on the Monday following for the purpose of passing upon the report. At the appointed time the subject were discussed at length, and an appeal to Congress was decided upon as the inceptive step in whatever proceedings might follow. That the matter might be placed in its proper light, Congress were informed that, at the commencement of the struggle for American liberty then in progress, the inhabitants of Cumberland and Gloucester counties had "in general" submitted to the jurisdiction of New York, obtained grants and confirmation charters from that state, and been ruled by magistrates of her appointment; that "a spirit of defection and revolt" had lately been extended to those counties, "through the arts and misrepresentations of certain people inhabiting the county of Charlotte, distinguishing themselves by the name of Green Mountain Boys, and their emissaries;" that the Congress and Convention of New York had hitherto viewed "the effects of this dangerous insurrection with silent concern, being restrained from giving it a suitable opposition, by the apprehension that it might, at so critical a juncture," weaken their exertions in the common cause; that the insurgents from Charlotte county had incited many of the inhabitants of Cumberland and Gloucester to unite with them in asserting a separate independence, in holding a separate convention, and in "framing a petition to the Honourable Congress for its sanction and approbation of this unprovoked revolt;" that the loss of so valuable a territory, whose people during the present war had received "liberal allowances out of the public treasury" of the state, would not only burden those remaining with enormous debts, but would, at every future period, afford an excuse for others who might wish to deny the jurisdiction of the state, and set her authority at defiance; and finally, that it had become absolutely necessary that "proper and vigorous means should be forthwith exerted" for vindicating the rights of the Convention of the state of New York. In view of these considerations and others as potent, the committee resolved that a proper application should be immediately made to the Congress of the United States, to whose justice the "insurgents" had appealed, requesting them to interpose their authority, and recommend to the "insurgents" a peaceful submission to the jurisdiction of New York.

In accordance with these views, a letter was dispatched to the president of Congress, embodying an epitomized account of the sentiments of the committee, and inclosing the resolve which had been passed and the preambulatory remarks connected with it. Notwithstanding this appeal, confidence in the revolting counties had not entirely disappeared. On the 21st of January a resolution was passed ordering an application to be made to some of the counties in the state, for blankets and stockings for the army; and Cumberland, Gloucester, and Charlotte were included among the counties from which relief was to be sought. A few weeks later, when the position of Ticonderoga was considered perilous on account of the smallness of the force to whose care it was intrusted, Gen. Schuyler was empowered, on the 9th of February, to dispatch one-fifth part of the militia of several of the counties of the state, among which counties were the three mentioned above—to reinforce the garrison at that post.

Owing to reasons of policy, the resolutions and letter of the 20th of January were not immediately transmitted to Congress. All hopes that a decided change would take place in the sentiments of the majority of the inhabitants of the "Grants" having failed, the state committee resolved, on the 1st of March, to present their appeal to Congress without further delay. With the letter which had been already prepared another was sent, in which were detailed several facts which had lately transpired. One paragraph in this communication was in these words: "The Congress may be assured that the spirit of defection, notwithstanding all the arts and violence of the seducers, is by no means general. The county of Gloucester, and a very great part both of Cumberland and Charlotte counties, continue steadfast in their allegiance to this government." In support of this declaration as regarded the first named county, reference was made to a letter, inclosed, from Brigadier-General Bayley, and in proof of the rest of the statement, it was affirmed that Cumberland and Charlotte were still represented in the New York Convention, and that "out of eighty members who were expected to have attended the mock convention of the deluded subjects" of New York, twenty only were present.* Intrusted

* The number of delegates in attendance at the convention held at Westminster on the 15th of January, 1777, and referred to in the text, was twenty-four. Three towns expressed their approbation of its measures by letter.—Slade's Vt. State Papers, p. 68.

with these documents, a messenger was dispatched to Congress.*

The death of Joab Hoisington, which took place early in the year, left the rangers without a commander. The conduct of these soldiers, from the first, seems to have given but little satisfaction. In a letter to Gen. Schuyler of the 24th of February, Col. Bedel declared that they had not done three days' duty since they were enlisted, and other accounts, though not so disparaging, were in no instance complimentary. Being now wholly unemployed, although they had been engaged to serve during the war, Gen. Schuyler proposed to the Convention that they should be located where they could render some assistance. "I apprehend," wrote he on the 4th of March, "there will be occasion of their service as scouts to be employed on the head of the river St. Francis, and although I have no immediate power from Congress to engage any troops for that purpose, I shall nevertheless venture on the measure if Convention should think proper to direct that they should be put under my command as Continental troops; in which case the Continental bounty will be allowed to Convention to replace what it may have advanced them." This communication, and another dated the 6th of March, on the same subject from Gen. Bayley, were read in Convention and committed to Charles De Witt, Simon Stevens, and Leonard Gansevoort. A report was prepared by these gentlemen, advising the adoption of certain measures. Their propositions were read on the 11th of March, but were not received with favor, and the whole matter was recommitteed, James Duane and John Taylor having been added to the committee.

A second report was submitted on the 15th, which declared, that, owing to the present state of Gloucester and Cumberland counties, the rangers raised under the command of the late Major Joab Hoisington, ought to be continued in service, provided they would agree to be employed "for the support of the common cause of America," in such manner as the Convention or a future Legislature of the state should think proper. If an understanding of this nature could be effected, the committee recommended that the companies should be mustered by commissioners appointed for that purpose, and such soldiers as might be willing to serve as before, should subscribe an enlisting roll

* Journal N. Y. Prov. Cong., i. 775-780, 800, 820, 821. Slade's Vt. State Papers, pp. 73-75. Doc. Hist. N. Y., iv. 925-930.

to that effect. They further advised that the commissioners should thereupon appoint one lieutenant for every thirty men, and one captain for every two lieutenants; and that such of the soldiers as should refuse to serve, should be discharged, having first received one-half of the bounty which had been voted by the Convention to such as should engage to serve during the war, together with "pay and subsistence" for the time they had been employed. They recommended the appointment of Gen. Jacob Bayley, John Sessions, and James Clay as commissioners, not only for the purpose aforesaid, but also to examine into and state the sums due to the officers and privates of the ranging companies according to their actual services. For their trouble and expenses while actually employed in this business, they were to be paid two dollars each, *per diem*. The consideration of this report, in consequence of its connection with some other topics which had not been fully discussed, was postponed. When it again came before the Convention on the 17th, it was, on the motion of Gouverneur Morris, a second time recommitted. When, on the 18th, final action was had, no alterations were made in the propositions above stated.

In accordance with the resolve of the 9th of February, Col. William Williams of Wilmington had received orders both from Gen. Schuyler and the Convention to enlist every fifth man in the lower regiment of the militia of Cumberland county for the purpose of assisting in the reinforcement of Ticonderoga. He immediately undertook the task which had been assigned him, but the spirit of defection had spread so far, that he met with but little success. "I find," he wrote on the 13th of April, "that in general the men are averse to go out under the state of New York, neither do I think it possible for me to raise any men. They are ready to go out under the notion of New Hampshire Grants, or a new state; but for my own part I am willing to serve under York until the matter can be decided by the Continental Congress." Similar orders were transmitted to Col. Joseph Marsh, the commandant of the upper regiment in the county. His exertions were followed by more favorable results, for he had the good fortune to succeed in collecting his men and in marching them to the place to which they had been ordered. The commissioners who had been chosen to settle with the rangers, dispatched the business with commendable diligence. In communicating an account of their transactions to the Convention, on the 21st of April, John Sessions, the chair-

man, signified his regret that all the negotiations which had been had, concerning the rangers, had been attended with "such perplexity and cost," and expressed a hope that more care would be taken in the future to avoid mistakes and prevent misunderstandings. He recommended the appointment of a paymaster and commissary, for the companies which should be continued in the service, and proposed Gen. Bayley for those offices. He also advised, in case the General should receive the appointments, that he should be further empowered to correspond with the commanding officer in the northern department, and in that way act as director of the rangers of Cumberland and Gloucester counties. He further declared that the situation of his own and the country's affairs, rendered it almost impracticable for him to attend as a deputy in the Convention. At the same time he asserted his loyalty to the state of New York, and his displeasure at the course which many of his friends were pursuing. Referring to the attempt to establish the state of New Connecticut or Vermont, he said, "I hope if prudent measures are taken this new-fangled scheme will, like the house of Saul, wax weaker and weaker. I ardently wish that some decisive measures might be taken that the sword of justice and sceptre of mercy may be properly exercised." In the same reasonable temper, he remarked that he had no disposition to extenuate the faults of those who manifested such contempt for the authority of New York. He desired that every obstacle with respect to the title of lands might be removed, and expressed the wishes of the more moderate inhabitants of the county, when he indirectly recommended the abolishment of quit rents, and advised the substitution of a land tax in their place.

A joint letter was prepared on the 2d of May, by Bayley, Clay, and Sessions, the commissioners for settling with the rangers. In this communication, the Convention were informed of the course which had been pursued in investigating and wiping out the old accounts. The formation of a company mustering one hundred and fifty-two men, to be divided according to the plan previously suggested, was announced as the result of the efforts which had been made to secure re-enlistments. A proposition was made that these soldiers should be employed as scouts and messengers between Connecticut river, Ticonderoga, and Canada, and that they should be paid according to the rules of the Continental service. This communication having been

read in Convention, was referred to a committee, who, after due deliberation, reported the accounts therein stated correct. Conformable to this report, the treasurer of the state was directed to pay to the commissioners, the sum of \$13,430, and take a receipt for that amount from the messenger who had been deputed by the commissioners to receive the money. Upon the suggestions regarding the method of employing the new troops, no action was taken.*

While endeavoring to regulate the militia, the Convention had not neglected to attend to the general welfare of Cumberland county. In every part of New York, as in the other states, many who had joined the enemy, had left their possessions in such a condition as to render them liable to waste, or to be employed for purposes unfriendly to the cause of liberty. To prevent these results, commissioners were appointed, on the 6th of March, in every county, to take into their custody "all the personal property" of persons answering to the above description, and sell it at public vendue after ten or more days' notice. An account of each sale was to be left with the treasurer of the state, as were also the net proceeds and such moneys as might be found. The whole was to be paid to the respective owners, at some future time, or disposed of, at the discretion of the Legislature of the state. Strict directions, however, were given that the families of persons who had joined the enemy, should be allowed to retain their apparel, necessary household furniture, and as much provisions as would be sufficient to maintain them for three months. James Clay, Amos Robertson, and Israel Smith, were chosen commissioners for Cumberland county; but the appointment of commissioners for Gloucester county was deferred, until the names of persons fitted for the trust could be obtained.† By a resolution passed on the 21st of March, the commissioners were authorized, in case of a refusal to deliver up property over which their office gave them jurisdiction, to apply to the committee of the county or district in which they might meet with opposition, for such aid as should be judged necessary to enable them to perform their duty.

* Journal N. Y. Prov. Cong., i. 825, 831, 837, 839, 841, 907, 916: ii. 404, 421, 431, 476, 477. MS. Letter Col. J. Bedel to Gen. Philip Schuyler, dated Feb. 24th, 1777.

† By the advice of Col. Jacob Bayley, the Convention on the 2d of May, 1777 appointed Col. Peter Oleott, Col. Jacob Kent, and Maj. Israel Smith, commissioners for Gloucester county.—Journal N. Y. Prov. Cong., i. 907: ii. 498, 499.

One of the most important measures of the Convention, during the year, was the adoption of a state constitution. This event took place on the 20th of April. It would, of course, be out of place in this connection, to present a detailed account, or even an epitome, of this most "venerable monument of the wisdom of our high-minded ancestors." Let it be sufficient to say, that such men as John Jay and Gouverneur Morris were its founders, and that it continued to guide and govern the people of New York until the year 1821, when a new system was adopted. By its provisions, the supreme legislative power was vested in an Assembly and a Senate. In the former body, Cumberland county was allowed a representation of three members and Gloucester two. The state was divided into four senatorial districts; and of these the eastern district comprised the counties of Charlotte, Cumberland, and Gloucester, and was permitted to elect three of the twenty-four state senators.

Until the new constitution should take effect, the Convention were willing to increase the powers and dignify the character of the committees of safety, who had acted so important a part in regulating the affairs of the districts, counties, or towns over which they bore rule. To this end, they passed a recommendation, on the 21st of April, counselling all the committees in the state "to use their utmost endeavors to apprehend, secure, and otherwise, according to their discretion, dispose of all such persons" as they might deem inimical or dangerous to the state. As the time for which the committees were appointed to serve would soon expire, the Convention adopted a resolution, on the 5th of May, calling on the inhabitants of the state to choose "active, spirited, and discreet" persons to act as committee men, and to continue in that service until the 1st of the following October. "Although," said they in the handbill which was circulated throughout the state, "although the office of a member of any of the said committees is extremely painful and laborious, yet, as the service will probably expire before the said day, it is most earnestly recommended to the good subjects of this state, cheerfully to undertake, and vigilantly to execute, the said office; more especially, as the last hope of our dispirited foes is now grounded upon those intestine divisions which they so assiduously labor to promote, by the assistance of which they expect to accumulate greater evils upon a country which they cannot subdue, and without which all their diabolical designs must prove utterly abortive." Special powers were given to

some of the committees. Those of Albany, Tryon, Charlotte, Cumberland, Gloucester, Ulster, and Orange counties, were requested and authorised "to take the most effectual measures to prevent, suppress, and quell all insurrections, revolts, and disaffection within their respective counties," and were also empowered to call out the militia to aid them in destroying or securing any who might be found in arms against the state.

At the same time measures were taken by the state to maintain the monetary affairs of Cumberland and Gloucester counties, and an attempt was made to exert a more direct influence upon the people by appointing to such offices as the state government was empowered to fill men who were friendly to its interests and designs. At the request of Simon Stevens, one of the deputies from Cumberland county, the Convention, on the 3d of May, ordered the state treasurer to accommodate him with the sum of £60, and render the charge to his constituents. This circumstance showed that confidence was still reposed in the honor of the county, although its loyalty was, to all appearances, irrevocably lost. On the 5th of May, Paul Spooner was chosen by the Convention, sheriff of Cumberland county, and in conjunction with other sheriffs in the state, was ordered to qualify himself without delay, and give public notice in his bailiwick of the time, place, and manner of the first state election, and of the offices which were to be filled.* The places designated for holding the election in Cumberland county, were the house of Seth Smith in Brattleborough, the house of Luke Knowlton in New Fane, the Court-house in Westminster, the house of Jonathan Tarbell in Chester, the Town-house in Windsor, and the house of Col. Joseph Marsh in Hertford. Writs of *dedimus potestatem* were issued to John Sessions and John Stevens, to enable them to qualify the county officers of Cumberland county; and the same authority was given to Brig.-Gen. Bayley, to be exercised in the county of Gloucester.†

Meantime, those who continued favorable to the government of New York were striving to stem the opposition which surrounded them on every side. In Brattleborough, they were more

* Spooner declined the appointment soon after it had been given him, and the Convention were informed of his refusal in a letter which he wrote them, and which was presented on the 15th of July, 1777, by Col. Eleazer Patterson of Hinsdale, now Vernon.—Journal N. Y. Prov. Cong., i. 995.

† Journal N. Y. Prov. Cong., i. 826, 845, 892, 898, 910, 912, 917, 918, 935, 937. Dunlap's Hist. N. Y., ii. 130. Handbill issued "In Convention of the Representatives of the state of New York, at Kingston, May 5, 1777." Pingry MSS.

numerous than the Vermont adherents, and were not afraid to act as their convictions dictated. At one of their meetings held in that town, on the 22d of April, they declared that, as they had always owed allegiance to the state of New York, so they would continue to pay that allegiance, and would strictly adhere to such directions as might be sent from the Convention of that state. To express these views to the New York Convention, Israel Smith was chosen agent for the town, and his instructions, dated the 25th of April, pointed out to him the manner in which he should fulfil his commission. He was especially directed to inform the Convention, that, at the meeting held at Westminster on the 15th of January previous, not one half the towns in Cumberland county were represented; that all the people in Brattleborough were loyal to the state of New York, and considered themselves in duty bound to execute all orders of the state and Continental Congress; and that, in the opinion of many, these were the sentiments of the majority of the property holders in the county. He was also instructed to say, that the spirit of faction was so rife that it was dangerous to speak against a new state, and that the difficulties prevalent in the county, were neither few nor unimportant. These instructions were signed by Obadiah Wells, Seth Smith, Samuel Wariner, James Blakeslee, and John Griffin.

On his appearance in Convention, on the 6th of May, the papers with which he had been intrusted were read and committed to Gouverneur Morris and Simon Stevens. In his conferences with these gentlemen, he informed them more particularly of the condition of the town which he represented, and, in a general way, of the affairs of the county. The report of the committee was divided into two parts; the first part having reference to those inconveniences which obtained equally in the counties of Cumberland, Gloucester, and Charlotte, arising from the uncertainty or defect of land titles, distance from the seat of government, and the exaction of heavy quit rents; and the second part relating to the disadvantages suffered by the people of Brattleborough on account of their steady attachment to New York. In the latter portion of the report, the committee, in conformity with the information given them by Mr. Smith, and obtained from other reliable sources, declared that the inhabitants of Brattleborough had, on account of their "unwearied opposition" to the independence of Vermont as a separate state, and their allegiance to New York, become odious to some of

their neighbors; that, owing to the indolence or disaffection of their militia officers, they were not in a position to exert themselves against the common enemy, although willing to aid, should their services be required; that they were in want of arms to reduce the tories to subjection; and that, although they were ready to join in new and spirited measures against the Tories, yet it was feared that it would be impossible to collect a county committee to carry such measures into execution.

In view of this representation, and of the general condition of the state, the committee reported on the 10th, that it would be utterly impracticable to furnish the inhabitants of Brattleborough with arms; and that the odium they had incurred from their attachment to New York, could not be removed except by a change in the opinions of those who favored the new state—a change which the committee imagined would take place as soon as those who had revolted became convinced of their true interests. Upon the remainder of the representation, the committee submitted these resolutions:—

“First. Whereas it hath been represented to this Convention, that divers of the inhabitants of the county of Cumberland, who are desirous of continuing the subjects of this state, are, from divers reasons, incapable of exerting themselves in the general defence, particularly from the want of proper officers—therefore, Resolved, that it be recommended to such inhabitants to associate as follows, to wit: ‘We, the subscribers, subjects of the state of New York, do associate together for the defence of the United States against the King of Great Britain, as follows: First. We will choose our officers by vote of the majority in each respective company or regiment. Secondly. We will obey our officers so chosen in the same manner as the militia of the said state, render obedience. Thirdly. The names of the said officers shall be transmitted to the government of the said state, and to the general in the northern department. Lastly. This association shall continue in force until revoked by proper authority.’

“Second. Whereas it hath been suggested to this Convention, that the county committee of the county of Cumberland cannot be collected together but with great difficulty. Resolved, that any committee chosen by the inhabitants of three or more adjoining townships, within the said county, may exercise the powers [of a county committee of safety.]”

That part of the report which related to the condition of the

"Grants," together with the portion already cited, was tabled, the two resolutions excepted. The latter of these was, however, changed so as to read thus: "Resolved, that such of the members of the said county committee as, on due and regular notice for the convening of the said committee, shall meet, be authorized to proceed to business." Such was the result of Smith's mission to the New York Convention.*

Encouraged by the evidences of good will on the part of New York, the county committee of safety still continued to exercise their functions, though unable to secure such obedience to their orders as they desired. At a general meeting held in the Court-house at Westminster, on the 4th of June, it was resolved that an attempt should be made to give greater vitality to their operations. Twelve members from eight towns only were in attendance on the first day. A chairman and clerk were appointed, a few complaints were heard, but it was deemed inexpedient to proceed with the business of the meeting. A postponement was therefore agreed on. When the committee reassembled on the following morning, and it became known that no addition had been made to their number, an adjournment was voted, and the members separated, with a fuller persuasion than they had ever before felt, of the weakness of the minority which they represented.

At the adjourned meeting, held on the 17th of June, six members from five towns were present. After waiting for two days in the vain hope of collecting a quorum, a readjournment was resolved on, and the house of Capt. John Sergeant in Brattleborough was selected as the place for the next meeting. Nine members from six towns assembled in Brattleborough, on the 26th, at the second adjourned meeting. It had now become evident that it would be impossible to command the attendance of a majority of the members. The committee accordingly resolved that they would act in accordance with the dispensation which had been granted them by the New York Convention, and proceed to business without a quorum. James Clay, Eleazer Patterson, and Hilkiah Grout were thereupon chosen a committee to draft a "True Representation of the Broken State, of the Inhabitants of the County," and assign some reasons for the conduct of the county committee in neglecting to observe the

* Journal N. Y. Prov. Cong., i. 918, 921. Miscellaneous Papers, in office Sec. State, N. Y. xxxvii. 57, 397: xxxix. 23. Doc. Hist. N. Y., iv. 936-940.

resolves of the Convention respecting the election of a Governor and representative officers. Their report was in these words:—

“Pursuant to the resolves of the Honorable Convention of the state of New York, appointing the committee of the county of Cumberland to assist the sheriff in holding the election for Governor, Lieutenant Governor, Senators, &c., the county committee from eight towns met on the 4th day of June, instant, and proceeded to make choice of Capt. James Clay, chairman, and Mr. Simon Stevens, clerk, and after deliberating on the important affairs and broken state of the county, adjourned until the 17th day of June, instant, at which time they met according to adjournment from five towns. But the sheriff having resigned his commission, and entirely refusing to act thereon, and the committee being terrified with threats from the people who are setting up a new state here, thought it imprudent to proceed to any business, and adjourned to meet at Brattleborough on this 26th day of June, where they are met according to adjournment from six towns, and where also a number of men who are appointed by several towns to make their disapprobation to the proceedings of the late convention at Windsor publickly known, in some proper manner, meet the committee and joine with them in representing the broken and disordered state of the county, and making their disapprobation of the proceedings of the late convention at Windsor, known to the Honorable Convention or Assembly of the state of New York.

“We therefore, the committee of the county of Cumberland, and others specially appointed by the towns of Weathersfield, Westminster, Putney, Brattleborough, Hinsdale, and part of Guilford, for said purposes, do represent as follows, viz., that the convention held at Windsor on the 4th day of June, instant, for the purpose of establishing their new state of Vermont,* have taken into their possession the prison of this county, and have strictly forbid all committees acting under the authority of the state of New York, so that it is become impracticable for the county committee, or any other committee to proceed to any publick business in this county. As the result of these measures, several prisoners now in prison in this county who

* The Vermont convention, held at Windsor on the 4th of June, recommended to the people of the new state to assemble in their respective towns on the 23d of the same month, and choose representatives to meet at Windsor on the 2d of July following, for the purpose of forming a constitution, and electing delegates to the Congress of the United States.—Various MSS.

might have been set at liberty, agreeable to the resolves of the Convention of the state of New York, are still kept in prison in the most pitiful circumstances, and are so like to continue. The publick peace is so interrupted by the proceedings of this convention at Windsor, and by those disorderly persons who are so warmly engaged in supporting the illegal authority of their new state, that it hath already considerably hindered the raising of men for the common defence ; and we think we have reason to believe that if a stop is not speedily put to this spirit of disorder which rages so vehemently here, a final period will soon be put to any further provision being made in this county for the common defence of America.

“ We further represent that a considerable number of the people in this county who are so warmly engaged in setting up their new state, have not any or but little property which they can claim under any grant whatever ; and we really believe that the leaders of the people who are for the new state in this county, are pursuing that which they esteem their private interest, and prefer that to the publick weal of America, and that they are determined to support the authority of their new state at all events ; and we really believe that without the interposition of the Honourable Continental Congress they will never submit to the authority of the state of New York until obliged so to do by the sword.

“ And we do hereby solemnly declare, that we entirely disapprove of the proceedings of the late convention at Windsor, and of all persons whatever acting under authority of said convention, and that we will, at all times, do our best endeavour to support the legal authority of the state of New York in the county.”

This report having been accepted by the committee, was signed by James Clay, the chairman. Eleazer Patterson and Hilkiah Grout were deputed to present it to the Convention of New York. In the credentials which were given them, it was stated that the expense of their journey was to be paid by private subscription, inasmuch as the state of the county rendered it impossible to raise money in any public way.*

* Col. Patterson presented his commission, and the various papers entrusted to him, to the New York Council of Safety, on the 15th of July, 1777. They were committed to Robert R. Livingston, Gen. John Merin Scott, and Major Christopher Tappen, but the records do not show that any action was had upon them.—Journal N. Y. Prov. Cong., i. 995.

One other act of the committee is worthy of notice. By a resolution of the New York committee of safety, passed some months previous, authority had been given to the county committees to select places suitable for the residence of persons who should be inoculated with the small-pox. In conformity with this resolve, permission was now granted by the county committee to erect a house in Brattleborough to be used for that purpose. Obadiah Wells, Capt. John Sergeant, and Lieut. Israel Smith, were empowered to select a proper site for the building, which when completed was to be in their charge. Special instructions were at the same time given them as to the manner in which they should act, and they were enjoined to be watchful, lest through any neglect the dreaded disease should extend its ravages among those who could not receive the treatment necessary to their health and safety. The committee then adjourned, to meet on the first Tuesday in September, at the court-house in Westminster.*

On the 2d of July, the convention of the new state of Vermont assembled at Windsor. The draft of a constitution was presented and read, and the convention entered upon an examination of its articles, determined to accept of nothing which would not support the principles of republicanism and democracy combined. In the midst of their deliberations, news came that Ticonderoga had been evacuated, and that the frontiers of the state were exposed to the ravages of the enemy. Many wished to break up the convention and return to their homes, in order to defend their families and firesides. But Providence had ordered otherwise. While fear seemed to paralyze effort, and doubt to render the little action which was exerted ineffectual, a violent storm arose. So fierce was the conflict of the elements, that the members were compelled to remain. A new life seemed to inspire the convention. The constitution was read, paragraph by paragraph, amid the roaring and flashing of batteries fiercer, louder, and brighter than those with which the British were at that moment endeavoring to environ the Americans in their flight from Ticonderoga. Evening saw the work completed. The constitution had been adopted, a council of safety had been appointed to act during the recess, and the convention had adjourned. Besides the adoption of the constitu-

* MSS. in the possession of the Hon. William M. Pingry, containing a record of the acts of the Cumberland county committee of safety. *Journal N. Y. Prov. Cong.*, i. 772.

tion, little else was done by the convention. A right to the county jail at Westminster was, however, reiterated, and orders were issued to a sergeant and six men to guard it both by night and day, and to permit no one to advance within six feet of the gratings, or to approach the jail door.*

While the New York and Vermont adherents were struggling for the supremacy on the soil which they both claimed, the supporters of the former in the New York council of safety, were endeavoring to wring from the Congress of the United States an expression of opinion as to the validity of the conflicting claims. In a letter to Congress of the 28th of May, wherein reference was made to those who had been instrumental in declaring the independence of Vermont, they said: "Although we apprehend no great difficulties in reducing these factious spirits to obedience and good order by the justice and vigor of the government of this state without the aid of Congress, yet as a report prevails, and is daily gaining credit, that they are privately countenanced in their designs by certain members of your honourable house, we esteem it our duty to give you this information, that by a proper resolution on that subject, the reputation of Congress may cease to be injured by imputations so disgraceful and dishonourable." Although some members of Congress had expressed opinions favorable to the establishment of Vermont, yet their number was small, and did not at present seem likely to receive accessions. When the petitions from Vermont and the letters from New York had been thoroughly examined, the subject of the controversy was referred to a committee of the whole house. When their report had been submitted, Congress resumed the discussion, and determined after long debate, to agitate no further a topic which appeared to be pregnant with difficulties. To this end they resolved on the 30th of June, that the independent government whose establishment had been attempted by the people of the new state, "could derive no countenance or justification from any act or resolution" which they had passed. Other resolutions explaining more fully their sentiments were at the same time adopted, and Vermont was left to pursue her own course, with the sure warrant, however, of the disapprobation of Congress.†

* Slade's Vt. State Papers, p. 79. MS. letter from William Williams to Capt. John Sessions, dated July 7th, 1777.

† By a resolution of the New York council of safety, passed at Kingston, July 17th, 1777, printed copies of the resolves of Congress referred to in the text

In order to concentrate the troops not at that time in actual service, the New York council of safety had, on the 28th of May, requested Gen. Bayley to march the ranging company formerly commanded by Joab Hoisington, but now in charge of Capt. Benjamin Wait, to Kingston, there to receive further instructions. Orders were accordingly issued, but it was found impossible to procure money to support the men on their journey, and for this reason they refused to advance. In a letter from Gen. Bayley, of the 14th of June, containing the reason of their refusal to obey orders, he adverted to the situation of the people inhabiting the north-eastern counties. He stated that he had received an ordinance from the state council of safety directing the election of state officers; that the sheriff had given the proper orders to the different towns, but that it was not probable the people would choose any members to sit in the Legislature of New York. In this supposition he was correct. A few days later, when a committee from Charlotte county visited Cumberland county, to obtain information as to the temper of the people east of the Green mountains, word was returned that "the New Hampshire Grants had declared themselves independent, and would not let the county committees sit, nor permit anything to be transacted under the jurisdiction of New York."

While matters were in this condition, the New York council of safety resolved, on the 27th of June, that the company of rangers commanded by Capt. Wait should be "peremptorily ordered" to repair immediately to Kingston, and that all arrear-

were sent to James Clay, the chairman of the general committee of the county of Cumberland, to be given by him to Col. Eleazer Patterson, and Major John Wheelock, with a request that they should distribute them through the eastern district of the state. By his own exertions, Clay notified the resolves to the towns in Cumberland county, and at the same time requested that a meeting might be called in each town for the purpose of affording the people an opportunity to hear the resolves read publicly, and to ascertain whether they were willing to choose county committee men to meet at Westminster court-house on the first Tuesday in the following September. The Vermont council of safety hearing that Clay was thus engaged, issued a warrant, dated August 10th, 1777, for his arrest. He was accordingly taken before them as a prisoner, and was informed by Col. Thomas Chittenden that he had done wrong in obeying the directions of the state of New York; in notifying a meeting of the county committee; in distributing the resolves of the Continental Congress; and in inciting people against the new state. On these charges Clay was detained in custody six days. At the end of that period, he was allowed to return to his home in Putney.—Miscellaneous Papers in office Sec. State, N. Y., vol. xxxvii; also Papers relating to the Vermont Controversy, pp. 2-4. Doc. Hist. N. Y., iv. 944-948.

ages should be paid them on their arrival at that place. By another resolution, they directed \$200 to be advanced to Capt. Wait to defray the travelling expenses of his men. On reaching their place of destination, permission was to be given them to receive rations instead of subsistence-money, if such should be their wish. A copy of these resolutions was sent to Capt. Wait, and notice was at the same time given him that compliance was expected. In obedience to orders, Wait proceeded to Newbury, in Gloucester county, and, on arriving there, was informed that his under-officers and men had marched for Ticonderoga, to ward off, if possible, the attack anticipated at that post. On their return, on the 14th of July, he called them together and ordered them to set out for Kingston. This command they refused to obey, and in support of their refusal, declared that at the time of their enlistment they did not expect to be removed from the counties of Cumberland, Gloucester and Charlotte; that on account of the abandonment of Ticonderoga, the frontiers were exposed to the attacks of the enemy; and that they could not, under such circumstances, think of leaving their wives and children unprotected and alone. This answer was presented on the 26th to the New York council of safety, who declared themselves satisfied with Wait's conduct, but refused to pass any resolutions respecting the conduct of the rangers, choosing to leave that subject for the consideration of the Legislature, who were soon to assemble.*

Owing to the defenceless condition of Cumberland county, many attempts were made by the inhabitants to procure arms and ammunition, that they might be enabled to defend their families from the attacks of the enemy's ranging parties, and in the meantime prepare to escape to more secure abodes, should the British approach in force. Among those most active in forwarding these measures, was Charles Phelps. Though far from single-minded in many of his operations, yet in this instance he mingled with secondary motives enough of disinterestedness to render his conduct praiseworthy, and, to some extent, meritorious. From a period anterior to the erection of Fort Dummer, the General Court of Massachusetts had professed a claim to a portion of what was now the southern part of Cumberland county. This claim had for a long time been allowed to rest in abeyance. Within a few years, a disposition to renew it had

* Journal N. Y. Prov. Cong., i. 947, 976, 977, 979, 980, 1016; ii. 502. Journals Am. Cong., ii. 188. Slade's Vt. State Papers, pp. 77-79.

been evinced. Taking advantage of this circumstance, Phelps, on the 17th of July, addressed a petition "to the Honourable Council of the most Patriotic State of the ancient Colony of the Massachusetts Bay," in behalf of the inhabitants of fifty townships mostly in Cumberland county, which, three years ago, had been "claimed by the legislative authority of the two houses of Assembly" of Massachusetts. In a lengthy address, he referred to "the shameful and detestable" evacuation of the "all important fortress of Ticonderoga, and the adjacent garrisons;" to the pitiable situation of the "infant settlements and defenceless plantations;" to the destruction of men, women, and children, which would surely follow, unless strenuous endeavor was made to prevent it; to the oppressive sway of New York and her "new-fangled schemes;" to the attempts which had been made by the adherents of the new state of Vermont to put a period to the jurisdiction of New York, by "wrenching" prisons and prisoners from the hands of New York prison-keepers; to the settlers scattered among "woody, mountainous wilds;" to their extreme poverty; to their incessant toil, which scarcely rewarded them with the food necessary to support life; and to the inability of the people generally to procure the means of defence. Pursuing this style of remark, he declared that the government of New York had wholly refused to afford any protection to the distressed inhabitants of the new state, on account of the revolt in which many of them had lately engaged; and that on this account, the only alternative left them was to apply for assistance elsewhere. The petition ended with a request for arms and ammunition. No definite number or amount was named, since it was thought best that the Council should assist according to their ability rather than be guided in their actions by the necessities of others.

In answer to this petition, Phelps was referred to General Heath. Heath immediately wrote to the Council, that he had no power "to issue arms to any other than the Continental troops," but at the same time asked the question whether a number of arms put into the hands of the Vermonters, would not answer a valuable purpose. In reply to this question, which comprised the substance of Phelps's petition, the Council ordered the Board of War to deliver to Abel Marsh, and Charles Phelps, three hundred fire arms, on condition that they should pay or give security for them, and engage to distribute them among the inhabitants of the New Hampshire Grants. On the

same conditions, the Board of War were further directed to furnish Phelps with one hundred and fifty pounds of powder, three hundred pounds of lead, and four hundred and fifty flints, to be distributed among those persons who should receive arms.*

Nor were the people of Cumberland county, themselves inactive. All who were not incapacitated by extreme youth, old age or infirmity, were formed into guard companies and scouting parties, and were stationed at the points and along the roads by which it was supposed the enemy would advance. But as preparations went on, fear increased. Joel Matthews of Hertford, having heard, on the 19th of July, that the forces of Burgoyne were at Rutland, and that they intended to advance on Number Four, and send forward a detachment to the Coos country lying north of Newbury, ordered out the militia under his command, and sent word to Col. Joseph Marsh, that although he should await his orders, he should yet march whatever men he might be able to raise, to oppose the enemy. This information having reached Bezaleel Woodward at Hanover in New Hampshire, on a Saturday near midnight, he immediately endeavored to disseminate it among the officers and soldiers of the state by expresses.

One appeal for aid, written by him at this critical moment, concluded with these words: "As you regard the safety of this frontier, for God's sake, pray come forward without delay." As the impression became more prevalent, that the enemy were advancing to scour the banks of the Connecticut, the terror of the inhabitants increased. In one day, from the thinly settled towns of Stratford and Thetford, thirty men deserted and went over to the enemy. By this cowardly act, twenty families, and over four hundred cattle and sheep, were deprived of protection. By the kindness of the people of Lyme, they were, however, conveyed across the river, and made comfortable by shelter and security. On the 21st, Gen. Bayley advised, that the militia of the county should march to Otter creek. If they shall do so, said he, "we will operate with them—otherwise five hundred men will not be able to guard Connecticut river."

By the time the enemy's forces had arrived within thirty-four miles of the Connecticut, the consternation had become

* Revolution Council Papers, in office Sec. State, Mass., 1777, iv, 90-92: 2d series, 1775-1777, p. 291; also Revolution Letters, v. 307.

general. Many refused to take up arms in defence of their families and firesides, and some declared openly, their intention of joining the British as soon as they should make their appearance. Nor were these fears without cause. Although Burgoyne had not at that time made known his intention of ravaging the country bordering the Connecticut, still that such was his design, there was no room to doubt. In the instructions, which, on the 9th of August, he issued to Lieut.-Col. Baum, this intention was fully proved. That he might "try the affections of the country, disconcert the councils of the enemy, and obtain large supplies of cattle, horses, and carriages," he charged the allied Hessian in these terms. "You are to proceed from Battenkill to Arlington, and to take post there till the detachment of Provincials under the command of Capt. Sherwood shall join you from the southward. You are then to proceed to Manchester, where you will again take post, so as to secure the pass of the mountains on the road from Manchester to Rockingham. From thence [*i.e.* Manchester], you will detach the Indians and light troops to the northward, towards Otter creek. On their return, and also receiving intelligence that no enemy is in force upon the Connecticut river, you will proceed by the road over the mountains to Rockingham, where you will take post. This will be the most difficult part of the expedition, and must be proceeded upon with caution, as you will have the defile of the mountains behind you, which might make a retreat difficult. You must therefore endeavor to be well informed of the force of the enemy's militia in the neighboring country. Should you find it may be effected, you are to remain there, while the Indians and light troops are detached up the river, and you are afterwards to descend the river to Brattleborough, and from that place by the quickest march, you are to return by the great road to Albany."

Such was the course which the British General had marked out for the Hessian Colonel. By pursuing it, Burgoyne hoped to replenish his diminishing stores, and to render the condition of his forces so formidable as to enable him to obtain possession of Albany, and establish there the headquarters of his army. But the result of the battle at Bennington, not only changed the entire programme of his proceedings, but aroused in the breasts of the Americans feelings of hope—feelings to which they had been strangers during months of despondency and gloom. The victory at Bennington, like that achieved at Trenton, was re-

ceived with exultation throughout the whole northern country. Men who had long time been wavering between the smiles of royalty and the beggary of republicanism snatched eagerly at the honest rags of the latter, and spurned the glittering robes of the former with unqualified determination.*

Although events connected with the struggle in which the whole United States was interested, now and then concentrated the feelings and actions of the people of Vermont, and led them to forget, for a season, the differences occasioned by the conflict of jurisdictions, still the cessation from internal discord was only temporary, and the partizans of New York and Vermont usually returned to their former positions, strengthened in the support of their different principles by the respite they had enjoyed. The favorers of the new state, supported only, it is true, by an infant government, felt that they could call on that government for assistance and be sure of receiving such aid as it could afford. The supporters of the jurisdiction of New York, on the contrary, were uncertain whether an active opposition to Vermont would be sustained by those to whom they owed allegiance. In Cumberland county, committees of safety had been formed under the superintendence of the leading men of the new state. The committees of a similar name who had been responsible to New York for their proceedings, were now almost wholly disregarded. The power of the Vermont committees was far in the ascendant. They it was who decided the differences which were continually arising between man and man, and settled disputes which, if courts of law had been then established, would have been there determined. By them the citizens were detailed as guards, or excused from military duty. In their estimation, the favorers of New York, who resided in Vermont, were but little better than enemies to American liberty. From men of this class they would frequently extort no inconsiderable sums of money for the support of government, threatening them, in case of refusal, with bonds, or imprisonment in the jail at Northampton. Levies were often made by them for the maintenance of the militia, and those who refused to serve as soldiers were compelled, whether acknowledging the authority of New York or Vermont, to pay for the support of a certain number of men and horses for a specified time. In this manner the Vermont committees of safety were enabled to

* MS. letters and documents in office Sec. State Vt.

maintain the authority of the young state, and in many of the towns in Cumberland county to hold in check the discontented and rebellious Yorkers.

As the result of the first state election held in New York, George Clinton was, on the 30th of July, elected Governor. Soon after this event, the question arose whether the militia of Cumberland, Gloucester, and Charlotte counties should be called on to render aid to that state. The Governor was in doubt as to the course he should pursue. He was not acquainted with the names of the officers in command, nor did he expect, if orders were issued, that they would be obeyed. On the other hand, he knew that if he should neglect to notice these counties on this occasion, when he was calling on every other county in the state for a proportion of their militia, the oversight would not only be marked, but would tend to strengthen the Vermonters in carrying forward their project of a new state. For these reasons, on the 13th of August, he ordered all the counties in the state, those on the New Hampshire Grants included, not only to make returns of the present state of their militia, but also to furnish their quota of men to join the northern army. Although no attention was paid to this requisition by the three counties, yet this disobedience did not prevent the exercise of humane feelings on the part of New York. When a few weeks later it became known that the inhabitants of the northern counties were suffering from a want of salt, the subject was referred to the Legislature, and means were taken to supply them with a sufficient quantity of this article so necessary to health and subsistence.

Notwithstanding the opposition they encountered, the committee of safety in Cumberland county who derived their powers from New York, met occasionally, and strove to exert the little influence left them, for the good of the state whose interests they represented. On assembling on the 2d of September, there were present delegates from six towns only. In the absence of Capt. James Clay, the chairman, the meeting was called to order by Simon Stevens, the clerk. After long debate an adjournment until the following day was ordered. But this measure did not avail to increase the attendance. Soon after assembling on the morning of the 3d, a motion was made to send some "suitable person" to the New York Legislature to give information of the conduct of the "pretended council" and the "pretended committees" of Vermont. The motion

being lost, the committee voted to adjourn until the second Tuesday in November. In less than an hour after the adjournment, Capt. Clay appeared, attended by Obadiah Wells of Brattleborough. The members of the committee who had not as yet left town, together with those who had just arrived, again assembled, and voted to send Clay to New York for the purpose of representing the difficulties of the county, and seeking some method of relief. The credentials which he received with his appointment were signed by Simon Stevens, Hilkiah Grout, Michael Gilson, Obadiah Wells, and Eleazer Patterson. At the same time Deacon John Sessions of Westminster, a supporter of the jurisdiction of New York, wrote to the convention of that state, of which he had until of late been a member, in truly scriptural phrase, an account of the inconveniences to which he was subjected because of his opinions. "My opposition," said he, "has rendered my situation somewhat unhappy at present, but I trust I shall find the old maxim true in the end, that honesty is the best policy. I have been a sort of Micaiah in the affair, and I believe many would be glad I were in the house of Jonathan,* and I have reason to expect this will be my fate if something is not done very soon."†

Having been successful in obtaining arms and ammunition from Massachusetts, to be distributed among the people residing on that portion of the "Grants" which border the western banks of the Connecticut, Charles Phelps now turned his attention towards the accomplishment of a project which, had it resulted according to his wishes, would have rendered the condition of the inhabitants of Cumberland county far more precarious than ever before it had been. On the 27th of October he presented a memorial to the Council of Massachusetts, "in behalf of the sacred rights" of that state, and for the purpose of securing to her the control and disposal of fifty townships situated in the south-eastern part of Vermont. In defence of his position, he asserted that Massachusetts had purchased of the Indians the territory in question, which had been afterwards laid out into townships, and had taken of them the necessary deeds and conveyances signed and sealed by their chiefs and sachems; that these transactions had taken place

* 1 Kings, chap. xxii. vs. 7-28. 1 Samuel, chap. xiv.

† Miscellaneous Papers in office Sec. State N. Y., xxxvii. 461; also Papers relating to the Vermont Controversy, pp. 4, 5. Pingry MSS. Journal N. Y. Prov. Cong., i. 1021, 1039, 1059. Doc. Hist. N. Y., iv. 948-951.

while Belcher was Governor of Massachusetts ; that the necessary agreements had been entered into at Fort Dummer ; that the papers drawn on the occasion had been placed in the provincial Court-house at Boston, and had been destroyed when that building with its contents was burned on the 9th of December, 1747. He denounced as unjust the conduct of Great Britain in assigning to New York lands which belonged to Massachusetts, and did not scruple to blame New York, the state from which he had received so many favors, and to which he owed allegiance, for endeavoring to retain possession of territory which had been claimed for Massachusetts by the "rightful, just, and most solemn resolves" of her General Court. Inasmuch as manuscript testimony was out of the question, Phelps proposed that Col. Israel Williams of Hatfield, the only surviving witness to the transactions referred to, should be requested to make affidavit to such facts as he might remember bearing upon the case under consideration, and that Massachusetts should purchase of John Moffatt of Boston, the journals and records of that colony then in his possession. In answer to this memorial, the Council, on the 29th of October, voted to take the deposition of Col. Williams, to be used as evidence of the treaty consummated at Fort Dummer between the years 1725 and 1730, the proofs of which had been afterwards destroyed. Two years later the General Court declared that the state of Massachusetts had a "clear and indisputable right" to the southern part of Vermont, but when, in the year 1780, the subject was brought before Congress, the General Court decided that the claim was an "infringement on the rights of Vermont," and refused to prosecute it further.*

* Revolution Council Papers, in office Sec. State Mass., 1777, iv. 377.

CHAPTER XII.

OPPOSITION TO THE GOVERNMENT OF VERMONT.

The first General Assembly of Vermont—Meeting of the friends of New York at Brattleborough—Gov. Clinton's Proclamation—Its reception—A Protest against the Government of Vermont—Circular Letter from the Protesting Convention at Brattleborough—First Meeting of the Legislature of Vermont—Col. Thomas Chittenden elected Governor—Opposition of the New York Adherents to the Government of Vermont—Disturbance at Halifax—Robbery of Powder and Lead at Hinsdale—Simon Stevens's friendship to Vermont—Letter from Micah Townsend and Israel Smith to Gov. Clinton—Clinton's reply—Peletiah Fitch's Letter to Clinton—Clinton to Fitch—Clinton to Gouverneur Morris—Clinton to Henry Laurens—"Yorkers," "Vermonters," "Neutrals"—Officers chosen both by Vermont and New York—Union with New Hampshire dissolved—An attempt to connect Vermont with New Hampshire—Arrest of Hilkiah Grout, a New York Justice of Peace, by the authority of Vermont—His Trials before various Courts—A Conviction for Defamation.

WHEN the delegates from the different towns in Vermont who had assembled at Windsor in convention, on the 2d of July, 1777, separated on account of the evacuation of Ticonderoga, and the progress of the enemy under Burgoyne, they had intended to publish without delay, the constitution they had adopted, and thus enable the people to hold, in the month of December following, an election of representatives to compose the General Assembly. Owing to the unsettled condition of the times, the constitution was not printed in season to allow of the accomplishment of this object. Another general convention was therefore called by the council of safety. The meeting was held at Windsor on the 24th of December, the constitution was revised, and effectual means were taken to set the machinery of government in full operation. On the 6th of February, 1778, the council of safety distributed among the inhabitants of the different towns in the state, copies of the new constitution. The election of representatives took place on the 3d of March following, and on the 12th of the same month, the

first session of the General Assembly of the state of Vermont was held at Windsor. The necessary state officers were soon after elected, and Vermont presented the novel spectacle of a free government, wholly independent of Congress, and yet engaged in the same struggle against the power of Great Britain, which interested the men, and employed the money of the thirteen United States.*

While the leaders of the new state were thus engaged in perfecting their plans, a number of the inhabitants of Cumberland county who owed allegiance to New York, assembled at Brattleborough on the 28th of January, and prepared a petition addressed to the Legislature of the latter state. In this paper they stated that they had been informed on "credible authority," that the convention of the "pretended state of Vermont" had prohibited the exercise of all authority derived from New York; had made laws to bind the inhabitants of Cumberland county; and had lately adopted a constitution under which state and other officers were soon to be elected. From the evils which threatened them in this quarter, they prayed to be defended. More fully to express their views, they appointed James Clay their agent at the New York Legislature.

In answer to their petition and others similar, the subject of the controversy between New York and Vermont was taken up in the Senate and Assembly of the former state, and resolutions were passed, on the 21st of February, containing such overtures to the disaffected inhabitants of the northern counties, as were deemed compatible with the dignity of New York as a state, and with the welfare of those with whom a reconciliation was desired. These resolutions were embodied in a proclamation, which was issued on the 23d, under the signature of Governor Clinton. Its closing paragraph was in these words. "The several branches of the Legislature of the state of New York will concur in the necessary measures for protecting the loyal inhabitants of this state, residing in the counties of Albany, Charlotte, Cumberland, and Gloucester, in their persons and estates, and for compelling all persons, residing within this state, and refusing obedience to the government and Legislature thereof, to yield that obedience and allegiance, which, by law and of right, they owe to this state." Prompt and energetic action, it was supposed, was to follow a declaration like this,

* Slade's Vt. State Papers, pp. 80, 81.

but subsequent events showed that the government of New York, although skilled in the use of firm language, was not prepared to support its words by its acts.*

To the New York adherents resident in Vermont, this proclamation was most welcome. On its reception at Halifax on the 10th of March, forty-six of the principal inhabitants of that town joined in an address of thanks to Governor Clinton, and to the Senate and Assembly, "for the salutary measures taken for settling the peace and unity" of the northern counties. "Notwithstanding the uneasiness of many disaffected persons," said they, "we do freely comply with the terms of said proclamation, and rejoice to find such pacific sentiments therein contained; not in the least doubting but on suitable application, we may have redress of all grievances." In the few towns in the county where the sympathies of the inhabitants were consonant with the sympathies of the people of Halifax, the proclamation was regarded with similar feelings. It was for this reason that Governor Clinton was informed that his address had been "productive of some good," in spite of "the many unmanly artifices made use of by the New State's men to prevent it." In order to exert a favorable influence upon the gubernatorial election which was soon to be held in the state of New York, and also in such towns upon the "Grants" in which there was a prospect of obtaining New York votes, care had been taken to distribute this proclamation as widely as possible before that event. The effect on the election was far otherwise than had been anticipated. In some towns a very small vote was polled, and in others there was no voting. The proclamation was generally regarded as an unfortunate production, whose provisions would by no means suit the temper of the mass of the people. In some towns it was publicly burned.†

The dispute between New York and Vermont having now assumed a definite shape, the people of Brattleborough at once evinced a decided preference towards the jurisdiction of the former state. At the annual meeting of the town, held on the 3d of March, they resolved unanimously to send a protest to the Assembly of the "pretended state," denouncing the conduct of that body in disavowing allegiance to New York, as an act tending to "disunite the friends of America in the present

* Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 7. Slade's Vt. State Papers, pp. 82-84. Doc. Hist. N. Y., iv. 951-955.

† George Clinton Papers in N. Y. State Lib., vol. iv. docs. 1161, 1181.

important contest with Great Britain." Desiring to add weight to this intended protest, they appointed Benjamin Butterfield, Samuel Knight, Israel Smith, James Blakslee, and Micah Townsend, a committee to confer with the different town committees in the county, and ascertain who among them were inclined to bear testimony against the "unjustifiable proceedings" of Vermont. Letters were accordingly sent by the central committee, on the 4th of March, both to those who were known, and to those who were supposed to entertain friendly feelings towards New York. "We call upon you in the most earnest manner," said the committee in their circulars, "as you value the blessings of good order and just government, to unite with us in concerting and executing such measures as will be most efficacious for procuring those blessings, and frustrating the designs of those who are opposed to them." A request was at the same time made, that the towns would send committees to confer with the central committee, and a meeting, to be held on the 18th, was called at the house of Capt. Sergeants in Brattleborough.

Delegates from several towns assembled at the appointed time, but of their proceedings no record has been preserved. It is known, however, that the initiatory steps in the proposed movement were then taken, and that proper persons were chosen to draft such papers as were required. At an adjourned meeting held at the same place, on the 15th of April, representatives from Guilford, Brattleborough, Putney, Newfane, Hinsdale, and Rockingham, were in attendance. The proposed protest which had been previously prepared, in accordance with the sentiments of the committees of the above towns, and of Westminster and Weathersfield also, was on this occasion presented for adoption. It was in the form of an address, and was directed "To the gentlemen convened at Windsor, under the style of the General Assembly of the state of Vermont." In it the objections to the formation of a new state were strongly put, and old arguments in a regenerated form, and new ones also, were urged in opposition to the plans of the patrons and citizens of Vermont. In view of the principles adduced, the protesters announced their determination in these words:—

"We conceive that endeavoring at present to establish a separate state here, is not only a violation of the Continental Union, but is imprudent, and to the last degree impolitic and dangerous, tending in the present important crisis to weaken

the authority of the Continental Congress, disunite the friends of America, and stimulate a spirit of separation and sedition which may end in the ruin of the United States; and we esteem it not only our duty, but the duty of all who are friends to the liberty of America, to bear open testimony against it. Therefore, on behalf of ourselves and those who delegated us for that purpose, we publicly declare that as we have not in any way assisted in, or consented to, the forming of a separate and independent government, we shall not consider ourselves bound by any acts of the Legislature thereof, but shall, as in duty bound, continue to yield our allegiance to the state of New York, until otherwise directed by the Honorable the Continental Congress. And we do hereby solemnly protest against the right of any persons to govern us and the other inhabitants of the New Hampshire Grants, except that of the Continental Congress and the Legislature of New York, and against all measures which shall be used to enforce the pretended rights of any other person or body of men, and against all the bad consequences which may arise from attempting at present to establish an independent government in the 'Grants' before mentioned."

Before separating, a letter was prepared and presented to the convention, expressive of the ideas of those who had joined in the protest. As an epitome of their sentiments, and of the course which they wished to pursue, this document is now of especial value. At the time it was written, its composers were careful to make use of such language as would dignify the measures which they wished to publish and pursue.

"As we are warmly interested in favour of American liberty," said they, in the paper referred to, "we cannot view with unconcern, or remain silent spectators of, the present disorderly attempt to separate the New Hampshire Grants from the thirteen United States—a measure directly tending, in our opinion, to weaken the opposition made by the continent to its European oppressors, and introduce the utmost confusion, at a time when good order and unanimity are essentially necessary.

"The final adjudication of the King of Great Britain in privy Council (the only proper court which could then determine matters of this nature), that this territory was within the jurisdiction of New York; our peaceable acquiescence in that judgment; and representation in Continental Congress and the Convention of New York, both before and since the Declaration of Independence, are undoubted proofs that our allegiance is

Justly due to the state of New York, until Congress shall otherwise determine. The resolutions of Congress of the 30th June last, and the articles of confederation, are convincing to us that that honourable body disapproves of a measure so extraordinary. The present government of New York engaging to remove such grievances as we really laboured under, from the iniquity and bad policy of our former governors, we hope will quiet the complaints arising from those grievances. The confusion that erecting a new state, without the consent of Congress, has already, and will more abundantly, introduce; the present inability of the people to support a separate government, however frugally the public moneys are managed; and the great, very great scarcity of men properly qualified to make and put in execution a wise system of laws, plainly demonstrate to us the wretched policy of so extraordinary an attempt at this time.

“We have therefore agreed upon, and shall forward to the Assembly of the pretended state of Vermont, a protest against erecting the ‘Grants’ into an independent government in the present time, and also one copy thereof to his Excellency Governor Clinton, and another to the press for publication, that the world may know our disapprobation of the present irregular proceedings.

“We think it the duty of every friend to the independence of America, more especially in the ‘Grants,’ to use their most strenuous efforts to suppress or check this offspring of anarchy in its infancy. And as preserving unanimity amongst the number who choose not to assist in dividing the continent, in this momentous crisis, may have a tendency to answer that end, and is essentially necessary as well for the public good as for the security of their persons and property, we beg leave to recommend to you, to elect a committee, in such time that they may meet at Capt. Sergent’s in Brattleborough, on the 30th day of June next, at eleven o’clock in the forenoon, to exist for six months; to authorize them to consent to such measures as they shall think most likely to restore to this divided county internal tranquillity, and submission to the just and necessary authority of those who, by order of Congress, are regularly appointed to rule over us; from time to time to transmit to the government of New York, accounts of all such matters as may be material for them to be acquainted with; and to take such steps as they think best for relieving those who may suffer in

their persons or properties by any authority pretended to be derived from the state of Vermont.”*

By a special resolution, copies of this letter were signed by Thomas Cutler, the chairman of the convention, and were sent to those towns in the county whose representatives had already signed, or had expressed a willingness to sign, the protest which had that day been adopted. Copies were also sent to those towns in which there were a respectable minority who were opposed to the new state, and all who favored the protest were invited to send delegates to the convention to be held on the 30th of June following. Whether this convention ever met, or, if they did meet, whether their previous efforts resulted in such an organization as they desired, does not appear. Succeeding events show, however, that the principle of opposition to the new state was of sufficient weight to carry out in action, to a certain extent, what had been proposed in council. The adherents of New York did not fail to support their views, even when the sword and the bayonet were employed to compel them to yield obedience to the laws which had been enacted by Vermont.†

The representatives who had been elected by the General Assembly of Vermont met at Windsor on the 12th of March, and formed themselves into a House. Their names were not entered on the journals of that session, but it is certain that of the fifty or more who were present, twenty-three were representatives from nineteen towns in Cumberland county. Agreeable to the constitution of the state, a committee were chosen to count the votes of the people, and as the result Col. Thomas Chittenden was declared Governor. At the same time Joseph Marsh was elected Deputy Governor, and Col. Ira Allen State Treasurer. Twelve Councillors were also chosen, and were formed into a body known as the Council. The relation which

* When, on the 27th of May following, a copy of the protest was forwarded to Governor Clinton by Micah Townsend and Israel Smith, a copy of this circular letter was also sent, accompanied by the following notice: “We also enclose a copy of a circular letter sent by the convention to several towns in this county, recommending the choice of committees; the principal design of which we apprehend is to preserve union amongst the friends of New York state, and enable them to act with unanimity as occasions offer, for increasing the number of the friends of New York government, and with expedition to carry into execution such directions as they may receive from your Excellency.”—George Clinton Papers, in N. Y. State Lib., vol. v. doc. 1437.

† Protest of towns in Cumberland county. MS. Letter from Brattleborough convention. MS. Letter from select committee. Pingry MSS. George Clinton Papers, in N. Y. State Lib., vol. iv. doc. 1282.

the Council bore to the General Assembly was the same as that which the upper house bears to the lower house in deliberative bodies as they are now constituted in the United States. The less important offices were filled as the performance of minor duties became necessary. During the session many general laws were passed for the regulation of the affairs of the state. All the land lying between the Green mountains and Connecticut river, including the whole of Cumberland and Gloucester counties, was, on the 17th of March, erected into a county, and was called Unity. Unity county was divided, for the sake of facilitating militia arrangements, into three regimental districts, and, for the sake of facilitating judicial and legal proceedings, into four probate districts. The vote by which the name Unity had been given to the consolidated counties was reconsidered on the 21st, and the name Cumberland was substituted. The enlarged county of Cumberland was, on the 24th, divided into two shires, the old division lines of the former counties being adopted as the bounds of separation. The upper shire was called Newbury, and the lower Westminster. At the close of the session a committee were chosen to transcribe such of the proceedings as were deemed of interest to the inhabitants, and furnish each town in the state with a copy. In order to increase the revenue of the state, and to punish those who were opposed to the new jurisdiction, a court of confiscation was, on the 26th, established by the Council. Col. Joseph Marsh, Gen. Jacob Bayley, Maj. Thomas Murdock, Col. Peter Olcott, Benjamin Emmons, Esq., Dr. Paul Spooner, and Col. Benjamin Carpenter, were the members of this court, and to them power was given to confiscate and sell all "lands and estates" within Cumberland county which, upon sufficient evidence, should be adjudged forfeited. The Council during the same session appointed John Hatch, Joshua Bayley, Ezra Sargent, and Darius Sessions, surveyors, and John Benjamin sheriff of the same county.

During the spring troops were raised in Cumberland county for the use of the new state. Orders for making levies were issued by Governor Chittenden, and were obeyed by the officers acting in the Vermont service. But there were many on the "Grants" who, although friends to American liberty, were unwilling to advance that liberty by fighting with, or giving aid to the state of Vermont. The most ardent of these were enabled to act in accordance with their principles by taking commissions from New York, while others, equally as patriotic

but less impetuous, were content to contribute of their substance to the support of the militia of that state. It was in this manner that the enmity of the New York adherents became systematized. Their opposition was a source of continual alarm to the originators of the new state. Ethan Allen stigmatized them as "New York malcontents," and when referring to them, declared as he would of vermin, that they "infested" the country, and made earnest inquiry as to the method of treatment which should be adopted towards them.*

Nor did their opposition confine itself to words. They not only denied the jurisdiction of the Vermont courts, but resisted the precepts, and refused to submit to the decisions, which emanated therefrom. In the town of Halifax, Hubbell Wells, a justice of the peace by commission from Vermont, issued a warrant directing William Hill, a constable, to arrest John Kirkley and his wife, Hannah, charged with the perpetration of an assault and battery in the highway, on the person of David Williams. In obedience to this order Hill arrested the accused, returned the warrant, and, the parties in the case having been summoned, the court was opened. Hardly had the trial commenced, when Thomas Clark, Thomas Baker, Isaac Orr, Henry Henderson, Alexander Stuart, Jonathan Safford, Elijah Edwards, Pelatiah Fitch, and about sixteen others, inhabitants of Halifax, and subjects of New York, rushed into the court-room, armed with bludgeons, and attempted to rescue the prisoners. Failing in this, they brandished their weapons over the head of the justice, called him a scoundrel, bade defiance to the authority of Vermont, and finally succeeded in breaking up the court. Acts of resistance like this were the arguments that proved to the rulers of Vermont the necessity of adopting the most strenuous measures to support the power and dignity of the state.†

Notwithstanding their enmity to the government of the new state, the supporters of the jurisdiction of New York who resided in Cumberland county, were pure-minded, patriotic Americans. Their unwillingness to unite with the people of Vermont against the British, did not prevent them from opposing their country's foes in every practicable manner. In detecting the machinations of the Tories, none displayed greater activity than

* Slade's Vt. State Papers, pp. 247, 260, 264, 266, 267. MS. Council Records of Vt. Various MSS.

† MS. complaint of William Hill.

they. The vigilance which they manifested in the following instance, may serve as a slight illustration of their zeal. "On the 3d of May, the granary of Lieut. Samuel Stratton, of Hinsdale now Vernon, was broken open during the night, and the powder and lead belonging to the town, and which had been stored there, was stolen. This event gave "great uneasiness" to the inhabitants of Hinsdale and the neighboring towns. Measures were immediately taken, by placing guards in different parts of the village, to obtain information concerning the theft. As a scouting party were passing near the granary on the evening of the 5th, they discovered a man asleep at the foot of a haystack, and secured him. On examination, he proved to be one Jonathan Wright, "a person inimical to the American cause." Elijah Elmer, an accomplice of Wright, was at the same time taken prisoner, but managed to escape from the hands of his captors. The fact of the arrest having been made known, Col. Eleazer Patterson, Capt. Joseph Stebbins, Capt. Orlando Bridgeman, Moses Howe, and Gad Wait, from the safety committee of Hinsdale, and Capt. Hezekiah Stowell, Joseph Elliott, and Henry Sherburne, from the safety committee of Guilford, all of them supporters of the jurisdiction of New York, assembled at Hinsdale on the 7th. Patterson having been chosen chairman and Sherburne clerk, the associated committees commenced an investigation of the circumstances connected with the robbery. On the examination which followed, Wright refused to answer the interrogatories of the committee. Ruth Stratton, at first, intimated her suspicions that the prisoner had been lurking about her father's house from the fact of the disappearance of some articles of furniture, but finally declared that he had not been there since the preceding winter. Lieut. Stratton, in whose charge the powder and lead had been deposited, testified to the fact of the robbery, but could give no further information. Several witnesses were then examined with a view to implicate the Lieutenant, but nothing satisfactory was elicited.

When the committee came together on the morning of the 8th, Wright asked permission to give evidence in behalf of the state. This privilege was granted him on condition that he should prove in a satisfactory manner the statements he should make. He then informed the committee, that in company with Elijah Elmer, he had broken open the granary, taken thence the powder and lead, carried them across Connecticut river and concealed them among the bushes. He also informed the com-

mittee that John Stratton, a son of the Lieutenant, was privy to the robbery, and had deposited the powder and lead in the granary in such a manner as to render them easy of access and removal. John Stratton, who had already been before the committee, and had then denied all knowledge of the affair, being re-called, pleaded ignorance as to the nature of an oath, acknowledged the truth of the statements of Wright, begged "mercy of God," and implored the forbearance of the committee. As Wright had escaped the liability of punishment by his confession, Stratton was alone obnoxious to the awards of justice. In view of his participation in the robbery as an accessory before the fact, the committee resolved that he should pay all the charges which had been incurred by reason of the theft; restore fourfold to the town of Hinsdale; pay a fine of £100 to the state of New York; be disarmed, and confined to the limits of his father's farm for the space of a year, provided his father should give a bond of £1000 to be forfeited in case he should go beyond the prescribed bounds. Permission, however, was granted him to attend public worship on Sunday, to be present at funerals, and to be absent from the farm whenever, on "extraordinary occasions," he should procure a pass from the committee of the town.

An account of these proceedings was sent to Governor Clinton, and at the same time inquiries were made as to the manner in which similar offences should be punished in future. One paragraph, however, in the letter of the committee, showed that their conduct had not met with the approbation of the whole community. "As we are under difficulty in these upper counties," wrote they, "concerning the jurisdiction of government, and are under the censure of a set of factious and officious people, who are trying to carry the committee to Albany to be tried by the Supreme Court, and the above-mentioned Stratton to be tried by a Court Martial, which would prove fatal for him and very troublesome for the committee, if your Excellency should think what the committee has done to be sufficient, and according to true policy, then we pray for your concurrence." Whatever may have been the reply of Governor Clinton, no one can deny that the course pursued by the committee, though dictated by humanity, was yet subservient to the ends of justice.*

While the favorers of the jurisdiction of New York, residing in Cumberland county, were thus strenuous in punishing the

* George Clinton Papers, in N. Y. State Lib., vol. ii. docs. 490, 494.

enemies of the United States, they were no less active in their endeavors to resist every infringement of their rights, whether attempted by open foes or false friends. Simon Stevens of Springfield, who had formerly held office under New York, had of late been appointed a Lieutenant-Colonel in the Vermont militia. Before he received his commission, or decided to accept it when it should come, he wrote letters to several captains desiring them to raise their quota of men for the American service, and on being questioned as to the state from which he derived power, replied that he "did not think it best to be too critical in examining by what authority" soldiers were raised. He also declined signing the protest "against the pretended state of Vermont," which had been adopted by the inhabitants of several towns, but gave as a reason, a promise he had made not to act in favor of New York until the return of the agents whom "the Council of the new state were about sending to Congress." As to the shrievalty of Cumberland county, an office to which the government of New York were inclined to appoint him, he stated that he had concluded to write to the Assembly of that state, and provided they would engage to indemnify him against any damage he might suffer, to accept it, but on no other terms. At the request of a number of the inhabitants of Brattleborough, these facts, which were known to Micah Townsend, of that place, were certified by him and sent to Governor Clinton, on the 27th of May. Accompanying this statement was another addressed to the Governor and Council of Appointment, and signed in pursuance of a unanimous order of the people of Brattleborough in town meeting assembled, by Samuel Warriner, the moderator. In this the declarations of Townsend were upheld, and the appointment of Stevens as sheriff was represented as an act which, if consummated, would deprive the people of their privilege of electing representatives to the Assembly for the ensuing year. Major Hilkiah Grout was recommended as a proper person for this office, and acquiescence in the recommendation was expressed by the committee of Hinsdale.*

* In a letter written to Governor Clinton by Pelatiah Fitch, chairman of the committee of Cumberland county, dated July 1st, 1778, occurs this paragraph, which marks the sentiments of the Vermont-adherents towards Grout, and shows on what ground his nomination was not recommended by the committee of Cumberland county. "The reason of Major Grout's not being recommended to your Excellency for the shrievalty is, that as the election was not likely to be held as soon as was expected when he was recommended by the town of Brattleborough,

By a vote of the convention of Committees which was held at Brattleborough in the previous month, Micah Townsend and Israel Smith had been directed to send one copy of the protest which was then drafted "to the press at Hartford in Connecticut," one "to the Assembly of the pretended state of Vermont," and another to Governor Clinton. In making the last transmission on the 27th of May, they informed his Excellency that submission to the new state had not been as cheerfully accorded as had been desired by its advocates; that in that section of the county no soldiers had been enlisted for the completion of Col. Warner's regiment, not even in those towns in which were to be found "the warmest advocates for a new state;" that this conduct was explainable by the fact that the people did not deem it proper to obey their rulers, when obedience was inconvenient; that the number of those who had taken the oath required by the constitution of Vermont previous to voting at election, was in Cumberland county small, and throughout the "Grants" inconsiderable when compared with the population. Referring to the opinions entertained of the continuance and stability of Vermont as a separate and independent government, they remarked: "It is with real concern we are able to acquaint your Excellency that it is too general a topic of conversation among the enemies of New York state, that they will maintain their new state, even if Congress should be opposed to it, because they had as good a right to declare themselves independent of New York, as the Congress had of Great Britain. To what lengths this doctrine will lead them may easily be seen. It appears absolutely necessary to the friends of New York state in this part of the country, that Congress should, in an explicit manner, recommend to these people to yield their allegiance to the state of New York, before they have time to reason themselves out of their senses. If it is not done soon, it will perhaps be omitted till none of them will pay any regard to the recommendations of Congress. Besides, as we are not likely to be troubled this summer with any considerable body of British troops, it seems to be the most favourable season for settling internal tranquillity, and enabling this extensive part of the country to act in the common cause with vigour and

and as he by his situation is much exposed to ill-treatment from the New State's Men, he has chosen to decline serving in that office at present, seeing it cannot be of disservice to the state of New York."—George Clinton Papers, in N. Y. State Lib. vol. v. doc. 1555.

unanimity, when the circumstances of this continent may require it.”*

To the gentlemen who had addressed him this communication, Governor Clinton replied on the 3d of June, in a manner which proved his hearty acquiescence in their determination to uphold the authority of New York. “It is with pleasure,” he wrote, “I find that a considerable number of the inhabitants on the ‘Grants’ are so attentive to the dictates of reason and justice, and possessed of so much spirit as publicly to oppose the ridiculous and destructive schemes of erecting those lands into an independent state. I was in hopes that in consequence of the generous and equitable terms held out in my late proclamation, the whole country, whatever injuries they might have received from the former, would be convinced that the present government was disposed to do them ample justice, and consequently that they would again have acknowledged its jurisdiction.

“What will be the event of this affair, it will be impossible for me to presage; yet as the Legislature appear to me equally determined ‘to decide every case respecting the controverted lands according to justice and equity without adhering to the strict rules of law,’ and to assert and maintain their authority over them at all events, I may venture to declare, that should these imprudent people still persist in their ill-judged and unjustifiable measures, that the consequences will be serious and melancholy, and to them particularly ruinous and destructive.”

To increase the power of the jurisdiction of New York, and facilitate the administration of justice, he recommended the preparation of a list of the names of those capable of filling civil and military stations in the county. He urged them to use the “utmost candour and impartiality” in their selection, and to propose no persons except “in consequence of their merit and abilities.” The list which they should send he promised to present to the Council of Appointment for their approval. While he assured them that he should bring before the Legislature at their next session, the papers which he had received relative to the immediate results of the controversy, he also informed them that the shortness of the session would scarcely allow the discussion of that subject. When the new Legislature should convene in the fall, he expressed a hope that they would be

* George Clinton Papers in N. Y. State Lib., vol. v. docs. 1435, 1436, 1437.

able to attend to the settlement of the affairs of the state, without prejudice to the cause of America, and adopt measures which should compel obedience to the laws of New York. "In the mean time," said he, "let me recommend it to you, and every other person attached to this state, to persist in your opposition, and upon every occasion to bear your testimony against those unwarrantable proceedings."*

Copies of this letter were forthwith sent to every town of note in Cumberland county, and in consequence of the recommendations which it contained, the committees of Brattleborough and Guilford were authorized to prepare a list of nominations, civil and military, for the assistance of the Council of Appointment. In his letter to Governor Clinton enclosing the result of their deliberations, Pelatiah Fitch, the chairman of the committees, remarked upon the difficulties which had attended the selection of proper persons, owing not only to the existence of three parties in the county—"Yorkers," "Vermonters," and "Neutrals"—but also to the fact that a number of the prominent friends of New York had been drafted, by Vermont authority, to serve in Col. Warner's regiment. He also informed the Governor, that the officers of Vermont were then engaged in many towns in settling the valuation of personal estates for the purpose of levying a tax, and that they were in general strenuous in maintaining the government of Vermont. He signified his intention of obtaining a return of the inhabitants of the towns represented by the committees of which he was chairman, together with such information as he could gather touching their views respecting the new state; returned "sincere thanks" for the proclamation of February 23d, "and for the salutary measures taken for restoring peace and internal tranquility;" and expressed his fears, should an attempt be made to hold a court under the authority of the state of New York before an express resolution on the subject was obtained from Congress, that force would be used to prevent the session. "In this critical situation," wrote he, "when their persons and properties are exposed to the lawless invasion of a rude rabble, or the exasperated leaders of an imperfect, unsettled government, except violence should be opposed to violence, the friends of New York state cannot but most ardently wish that Congress would immediately interfere in the

* George Clinton Papers, in N. Y. State Lib., vol. v. doc. 1464.

most direct manner and settle this internal contest. The interest of the state of New York also calls loudly for a speedy end's being put to the present dispute, as the authorities of Vermont have very lately confiscated and sold several valuable estates, and doubtless will continue the practice as long as their necessities require it, and they can find any, the least pretence for so doing. We therefore most earnestly entreat your Excellency to press Congress for a speedy determination of the matter, and in the mean time, to direct us in what manner to conduct ourselves."*

In reply to Mr. Fitch, Governor Clinton informed him, on the 7th of July, that the list of civil and military nominations had arrived subsequent to the adjournment of the Council of Appointment; that as the members of that body resided in different parts of the state, he could not immediately convene them; that he would do so, however, "with all possible dispatch," and, as soon as the commissions should be issued (the names in which, he did not doubt, would accord with the recommendations), would transmit them by express. Other topics to which reference had been made in Mr. Fitch's letter were disposed of in these words:

"We are still waiting with anxious expectation the result of our application to Congress to interpose in this affair, and can impute our not receiving an answer only to their being engaged in those very important matters which you may easily suppose at present to engross their attention. I have, notwithstanding, by a special conveyance, this day informed them that drafts were making under the authority of the pretended state of Vermont to complete Col. Warner's regiment; that though we were willing that the main business of advising means for settling the controversy should be deferred till the more important and urgent business of the continent is so far completed as to admit of leisure, yet that for the present we must insist upon an immediate and positive disavowal of this extraordinary exercise of authority, and express orders to Col. Warner (their officer) not to receive any of the drafts into his regiment, or in any wise countenance the measure.

"I would still, as upon a former occasion, earnestly recommend a firm and prudent resistance to the drafting of men, raising taxes, and the exercise of every other act of government,

* George Clinton Papers, in N. Y. State Lib., vol. v. doc. 1555.

under the ideal Vermont state, and in such towns where our friends are sufficiently powerful for the purpose, I would advise the entering into associations for the mutual defence of their persons and property against this usurpation.

“You will readily perceive that until we have received the answer of Congress, and the Legislature have declared their sense, it is impossible for one to advise except only in general terms. Your own prudence and discretion must determine the true line of conduct, which I trust will be consistent with the sacred obligations of allegiance and the characters of men who dare oppose lawless domination and power, whether attempted to be exercised by a single tyrant or a misguided multitude.”*

On the same day he wrote to Gouverneur Morris, a member of the New York delegation in Congress, expressing his surprise that so little attention had been given the Vermont business—a subject in which one of the states was “so deeply interested, and in which the honor and perhaps the future peace of the whole were so intimately concerned.” This letter was followed, on the 8th, by another addressed to Henry Laurens, the president of Congress, in which Clinton described, with an earnestness which bespoke the sincerity of his sentiments, the peculiarity of the situation of the “well-affected” inhabitants of Cumberland county, and the persevering attempts which some of the “deluded inhabitants” were making to effect a separation from New York. Referring to the draft of every fourth man in the state, which had been ordered by the Vermont Legislature, for the purpose of completing Col. Warner’s regiment, he prayed for the passage of a resolution in Congress which should condemn the measure, and restrain Col. Warner, by “a positive order,” from receiving any of the men who might be sent him. “This,” said he, “appears to be necessary to prevent the immediate shedding of blood; and without it, I fear all those calamities and misfortunes which are the natural attendants of a civil war.” Notwithstanding this appeal, Congress neglected to comply with the request of Governor Clinton. Meantime, the adherents of Vermont were busily engaged in strengthening their government and in increasing the number of their supporters, not only in their own state, but in the other states of the Union.†

* George Clinton Papers, in N. Y. State Lib., vol. v. docs. 1567, 1568. Williams’s Hist. Vt., 1st ed. p. 247: 2d ed. ii. 186.

† George Clinton Papers, in N. Y. State Lib., vol. v. docs. 1570–1572.

In compliance with the promise made to Governor Clinton by Pelatiah Fitch as chairman of the committee, an attempt was made during the month of August, to ascertain whether the majority of the voters in the southern part of the county, would support the jurisdiction of Vermont or New York. From some of the towns interrogated, no answer was received, but from the reports obtained, and from an examination of other sources of information, it appeared that in the towns of Hinsdale, Guilford, Halifax, Brattleborough, Marlborough, Draper, Fulham, Newfane, Putney, Westminster, Springfield, and Weathersfield, there were at the time of the enumeration about four hundred and eighty voters who supported the jurisdiction of New York, three hundred and twenty who supported the jurisdiction of Vermont, and one hundred and eighty-five who were neutral in opinion. Although this statement was favorable to New York, yet it must be remembered that of those who were friendly towards this state, many were prepared to declare their allegiance to Vermont if strenuous measures were not soon taken to protect them in the exercise of their rights, and further, that of those who were neutral in opinion, nearly all of them might be considered as the well-wishers, if not the advocates, of the new state.*

On the 12th of March, a petition had been presented to the Vermont Legislature by a number of towns in New Hampshire, praying that they might be allowed to become a part of the former state, and subject to its jurisdiction. The application having been entertained in the Assembly for several days, was finally submitted to the people. When the discussion of the subject was renewed, on the 11th of June, at the summer session of the Legislature, thirty-five of the representatives, expressing the views of the towns to which they belonged, declared in favor of the union, and twelve against it. Sixteen towns were accordingly added to the territory of Vermont. These were Cornish, Lebanon Dresden,† Lime,‡ Orford, Piermont, Haverhill, Bath, Lyman, Apthorp,§ Enfield, Canaan, Cardigan,|| Landaff, Gunthwaite,¶ and Morristown.** Although no act was

* See Appendix J.

† A name given to the district belonging to Dartmouth College, but used only for a short time.

‡ Now Lyme.

§ Now divided into the towns of Littleton and Dalton

| Now Orange.

¶ Afterwards New Concord, now Lisbon.

** Now Franconia.

passed to that effect, they were regarded as a portion of Cumberland county, and were so referred to whenever it became necessary to legislate concerning them. On the 17th of June, judges were appointed for Westminster and Newbury, the two shires of Cumberland county, and the jurisdiction of the judges was understood to extend over that part of New Hampshire to which the revolted towns had until now belonged. At the session in October, more energetic measures were taken to establish in Cumberland county the machinery of law, in order to enable the new state to compel obedience to its authority. Justices of the peace were appointed in eighteen towns, and two of the probate districts were supplied with judges. In the shire of Cumberland the superior court was ordered to hold a session at Westminster, on the second Thursday in March, 1779, and in the shire of Newbury, at the town of Newbury, on the second Thursday of September, 1779. The first session of the court, however, was held at Bennington on the 10th of December, 1778. On that occasion, persons who had been charged with committing crimes in Cumberland county, were conveyed across the mountains for trial. Among the complaints presented by John Burnum, Jr., the state's attorney, was one against Titus Simonds of Hertford, charging him with "inimical conduct" towards Vermont, and the United States, in that he, on the 4th of September, 1777, "did go over to the enemy, and aid, and assist them against the said states." The friends of New York, when they saw that the laws of Vermont were prevailing, determined to assert whatever power they had, and counteract the current which was setting in against them. Though they could not establish and maintain a superior court, yet justices of the peace, and other officers both civil and military were created in different parts of the county, and many towns were thus provided with two sets of officials, one of New York, and the other of Vermont appointment, both striving to further the ends of justice, and each endeavoring to frustrate the attempts of the other.*

Ever since the sixteen New Hampshire towns had been admitted into union with Vermont, great dissatisfaction had prevailed on both sides of the Connecticut among those who were opposed to this act. In vain were all the efforts of the Legis-

* Slade's Vt. State Papers, pp. 89, 90, 271, 274, 284. MS. Council Records of Vt. MS. Complaint of John Burnum, Jr.

lature of Vermont to restore peace. The experiment of annexation, hazardous in the beginning, began now to assume an aspect threatening the very foundation of the new state. In this crisis, the General Assembly, on the 23d of October, 1778, resolved to lay the subject before their constituents and request them to instruct their representatives how to proceed in relation to this unfortunate connection at the next session of the Legislature. The impolicy, as well as the injustice "of aiding in the dismemberment of New Hampshire," was too apparent to the friends and supporters of Vermont, to admit of a doubt of the course proper to be pursued. On the 12th of February, 1779, the instructions of the representatives on this point were canvassed, at the winter session of the Legislature, and in conformity with these instructions, the union was declared "totally void, null, and extinct." On the 17th of March, soon after the announcement of this result, a petition was presented to the Legislature of New Hampshire, praying that the whole of the "Grants" might be "connected and confederated" with that state. The majority of the committee to whom this petition was referred, reported favorably, but when the question upon the adoption of the report was taken, on the 2d of April, the further consideration of the subject was laid upon the table. At the following session the report was taken from the table, and having been received and accepted by the House on the 24th of June, was readily concurred in by the Council. So complete was the change, that Vermont, instead of occupying the position of an encroaching state, found herself the subject of a demand which, should it be successful, would put an end to her separate existence, unless Congress should interfere, and agree to receive her as the fourteenth state in the confederacy.*

The February session of the Vermont Legislature continued sixteen days, during which time nearly one hundred acts were passed for regulating such matters as required immediate attention. Various laws ostensibly introduced for the benefit of the whole state, but more particularly intended to affect the county of Cumberland, were enacted, while others were passed with a direct reference to the affairs of this county. In order to increase the revenue of the state, the estates of those inhabitants of Cumberland county who had joined the enemies of Vermont and of the United States were, on the 16th of February,

* Slade's Vt. State Papers, pp. 101-105.

declared confiscated and subject to be employed for such purposes as might be prescribed. Major Thomas Chandler was, on the 30th of April, appointed commissioner for the sale of confiscated estates in Rockingham, Chester, and Westminster. Capt. Ebenezer Curtis was chosen to the same office on the 16th of July, with jurisdiction in the towns of Windsor, Hertford, Woodstock, and Reading. On the 10th of June, 1780, Timothy Bartholomew was vested with similar powers in the towns of Norwich, Sharon, Thetford, Stratford, Fairlee, and Mooretown. Meantime the court of confiscation was established on a different basis, and the powers which had formerly belonged to it were, on the 2d of June, 1779, vested in the Governor and any four of his Council. Satisfactory evidence having been produced against a number of persons who had joined the enemy, several valuable estates in Cumberland county became, in consequence, the property of Vermont. These estates had previously been owned by Capt. Timothy Lovell of Rockingham, Andrew Norton of Windsor, William Paterson and Crean Brush of Westminster, Samuel Gale of Brattleborough, Zadock Wright of Hertford, Titus Simonds and Charles Ward Apthorpe. In accordance with the instructions under which the commissioners acted, deeds of the property sold were given "in the name and behalf of the representatives of the freemen" of Vermont, and great care was taken that those who purchased should be firmly secured in their possession.*

For several months no open disturbances between the partisans of Vermont and New York had occurred, and so little had the opposing parties interfered in the affairs of one another, that hopes were entertained that it would be possible, without hindrance, to hold an election for the purpose of choosing a representative to sit in the Legislature of New York. But this temporary calm was not the prelude of settled weather. No sooner were courts of justice established in Vermont, than prosecutions were commenced against the subjects of New York, whenever an occasion was presented, and what had been before dislike and opposition became now animosity and hatred. By the fourth article of the Declaration of Rights of Vermont, "the sole, exclusive, and inherent right of governing and regulating the internal police" of the state was vested in those of the

* Slade's Vt. State Papers, pp. 287-388. MS. Records Gen. Ass. Vt., 1779. Instructions to Commissioners of Confiscation.

inhabitants who acknowledged its jurisdiction. By the nineteenth section of the Constitution, it was necessary that all commissions should be in the name of the freemen of the state, sealed with the state seal, signed by the governor, and attested by the secretary. Owing to a failure on the part of those who acknowledged the jurisdiction of New York to recognise these facts, trouble not unfrequently arose. The course pursued by the officers of Vermont in enforcing their laws, is shown in the following incident.

Hilkiah Grout, a citizen of Weathersfield, not only acknowledged the jurisdiction of New York, but had received the commission of a justice of the peace from that state. Being requested as an officer of New York, by William Oliver, a gentleman from New Hampshire, to take the depositions of a number of persons who resided on the banks of Otter creek, whose testimony was to be used in the superior court at Exeter, before which court affidavits witnessed by Vermont officers were not deemed valid, he set out from home with Oliver on the 16th of February, and on reaching the town of Shrewsbury prepared to remain there until Oliver should find the persons whose evidence was desired. On the 17th, towards evening, Oliver returned with the witnesses, and their statements were sworn to and subscribed in due form. About two o'clock on the morning of the 18th, the house in which Grout lodged was surrounded by seven men, "armed with guns, swords, bayonets," and other weapons. Having obtained admission to the building, they seized the justice and conveyed him to Rutland, showing him no abuse except by their "surly look." A court of inquiry, composed of a number of the officers in Col. Seth Warner's regiment, was soon after organized at Fort Ranger, "to examine and hear the evidence for and against such prisoners" as should be brought before them. By order of Capt. Gideon Brownson, commissioner, the court proceeded to try Hilkiah Grout, charged by two of the citizens with being engaged with certain others his associates, in "planning something very enemical to the United States of America." The prisoner pleaded not guilty, and the court, after hearing the evidence, decided that the charge was not supported. This judgment was approved of by Capt. Thomas Lee, the presiding officer, and Grout was set at liberty.

No sooner had he obtained his dismissal, than he was again arrested on a warrant from Benjamin Whipple, a justice by

appointment from Vermont, in which he was described as "a transient person, who pretends to officiate in this state in the character of a justice of the peace, not having authority derived from the freemen of this state as stipulated by the constitution." The writ was made returnable "as soon as conveniently may be, before the subscriber" at the house of William Roberts. On the examination held on the 19th, Reuben Squire testified that Oliver had introduced Grout to him as a justice of the peace, and had desired him, his wife, and his daughter, to testify before Grout "concerning a piece of Holland cloth." Charles Button also made affidavit, that he, at the request of Oliver, had been at the house of Lemuel White, in Shrewsbury, and had there taken an oath, and borne witness before Grout as a justice, in a case then pending between Oliver and one West. Abel Spencer and Lemuel White testified to the same effect. The charge in the warrant being supported, Grout was ordered to procure bonds in the sum of £1,000 lawful money for his appearance before the superior court at their session in June, or in default to be committed "to close gaol." Bonds having been given, the prisoner was released. On his return home he wrote to Micah Townsend, of Brattleborough, and, in the account which he gave of the affair, referred to the forbearance of the Vermonters, by declaring that he had "neither been whipped nor insulted." Oliver, at whose suggestion he had undertaken his official journey, was brought before the same tribunal by which Grout had been adjudged guilty, and was mulcted in a fine of £5, and in costs £3, "for introducing an unconstitutional justice into the state of Vermont."

When the superior court assembled at Rutland, on the 10th of June, Grout was tried on the charges which had been substantiated at the examination. His only defence was a denial of the jurisdiction of Vermont. The court, however, refused to hear the reasons which he wished to present in support of this denial, and adjudged him guilty of "treasonable practices" against the state. He was ordered to pay a fine of £120 lawful money, to which were added the costs of the suit, making the whole sum more than £180. Not considering it advisable to submit to this exaction, as he deemed it, he notified a determination to that effect to the clerk of the court, and was informed, that in case the money was not paid, execution would immediately issue, unless he should ask it as a favor of the court to stay proceedings for a few months. "I was not," wrote Grout to

Governor Clinton, "in a temper of mind to ask any favours of them, and so returned home." The sheriff of Cumberland county was thereupon commanded to levy upon his goods and chattels, and after disposing of them in accordance with the laws of the state, to place a portion of the proceeds equal to the amount of the mulct in the hands of the state treasurer.*

At the February session, an act had been passed for the punishment of defamation. By one of its provisions whoever should vilify any court of justice, or its sentence or proceedings, or traduce any of its magistrates, judges, or justices, on account of any act or sentence therein promulgated, was, on the conviction of the offence, made liable to punishment by fine, imprisonment, disfranchisement, or banishment. On account of the license in language which then as now prevailed, an opportunity was soon presented for trying the efficacy of this act. Nathan Stone, a citizen of Windsor, but a Yorker in principle, having been charged with using "reproachful and scandalous" words on the 15th of March concerning the "authority" of the state, was arraigned before the superior court at Westminster. On examination, it was proved that in the presence of "many good and faithful subjects" of the state, he had said to the sheriff, John Benjamin, "God damn you and your governor, and council." He pleaded guilty to the charge, and judgment having been rendered against him on the 26th of May, he was fined £20 lawful money and costs, and was obliged to give bonds in the sum of £1,000, as a guaranty for his future conduct.†

* Slade's Vt. State Papers, pp. 244-251. MS. records of Vt. courts. George Clinton Papers in N. Y. State Lib., vol. vii. docs. 2095, 2198; vol. viii. doc. 2464.

† MS. Court records. Slade's Vt. State Papers, p. 382. The session of the court at which Stone was indicted was the first ever held in Cumberland county. The first cause tried in the session was that of Pompey Brakkee of Chester, a negro, plaintiff, against Elijah Lovell of Rockingham, defendant. The exact nature of the complaint does not appear, but the court awarded to Brakkee, damages in the sum of £400 lawful money to be recovered of the defendant with costs.

CHAPTER XIII.

CONFLICT OF JURISDICTIONS.

Vermont Militia Law—Obedience to it refused in Putney—Sergeant McWain endeavors to enforce it—Resistance is offered—Friends of New York convene at Brattleborough—Letter from Col. Patterson to Gov. Clinton—Clinton to Samuel Minott—Clinton to John Jay—Thirty-six Yorkers arrested and lodged in the Jail at Westminster—Ethan Allen—His tyrannical character—Trial of the Yorkers—Allen incensed at the Proceedings of the Court—His Indignant Speech—The Plea of the Yorkers—They are declared Guilty and Fined—Letter from Ira Allen to Benjamin Bellows—Act to prevent the Exercise of Authority not derived from Vermont—Proclamation of Gov. Chittenden—Information of the Treatment of the Yorkers communicated to Gov. Clinton and to Congress—Course of Congress—Letter from Gov. Clinton to Samuel Minott—Clinton to Washington—Clinton to Jay—The Committees of Six Towns in Cumberland County to Clinton—Micah Townsend to Clinton—Resolves of Congress—Further Attempts of Vermont Officers to enforce Obedience to the Laws of the State—Letter from the Committee of Congress to Samuel Minott—Gov. Chittenden to a Friend—Doings of the Committee—Convention of the Yorkers—Their Petition to Congress—Their Letter to Gov. Clinton—Action of the New York Legislature—Letter from Gov. Chittenden to President Jay—Proceedings in Congress relative to Vermont.

MEANTIME events which marked with greater clearness the differences between the contending parties residing in Vermont were attracting general attention. In the act passed at the February session of the Legislature of that state, for forming and regulating the militia, and for encouraging "military skill," power was given to each captain or commanding officer of a militia company, in obedience to an order to that effect from the governor, to draft men within the district over which his command extended. Any soldier who should refuse to serve, was obliged to forfeit and pay the sum of £18, to be recovered "by bill, plaint, or information." In default of goods or estate, he was to be "*disposed of in service*" to some citizen of Vermont or of the United States, so to remain until the liability was dis-

charged, "any law, usage, or custom—to the contrary notwithstanding." Provision was also made for raising men by the following method. The captain or commanding officer having first taken the advice of his under officers, was authorized to make a roll of those whose services he had a right to demand, and divide them into classes equal in number to the number of men required. Each class was ordered to furnish a man, and in case of refusal to comply with this regulation, the commanding officer was directed to hire one man for every class neglecting or refusing, and pledge the faith of the state for the payment of his wages. To defray the charge, the commanding officer was further directed, after taking counsel with his subordinates, to collect the amount of the sum expended, from the members of each class for which a man had been hired, particular reference being had in equalizing the assessment to modifying circumstances, such as past services and the estates of persons. Any goods or chattels seized in order to satisfy the assessment were to be sold by public vendue, and any overplus, after discharging the liability, was to be returned to the owner or owners of the property sold. Such were the regulations under which the militia establishment of Vermont was to be maintained.

In conformity, as was reported, with advice received early in the spring from Brigadier-General James Clinton, the commander-in-chief of the northern department, orders were issued by the Vermont Board of War, during the month of April, directing a levy of men for the service, not only of the state but of the United States, in guarding the frontier settlements. As Governor Clinton was informed that a draft had been made by the authority of the "pretended state of Vermont," predicated on advice from a high quarter, he communicated the intelligence to his brother James on the 21st of April, and took occasion at the same time to remind him of the necessity of continuing to act with the utmost caution towards "those designing and turbulent people," the Vermonters, and "to avoid giving them even the least shadow of encouragement in the exercise of their undue authority." In his reply of the 28th, General Clinton remarked, that he had always been very careful in his conduct towards the supporters of the usurped authority, and suggested that the assertion made by them concerning himself, must have been founded on the advice he had given them on their frequent application for troops, the effect

of which was "that they should have a number of their militia ready to turn out on the shortest notice."

Among those engaged in drafting men under the militia law above referred to, was one William McWain, a sergeant in Capt. Daniel Jewet's company, which company formed a part of the first regiment of the state militia, commanded by Samuel Fletcher. The Vermonters readily consented to enlist or pay their proportion as directed by the state. Not so the Yorkers. To them obedience in military affairs to a state whose jurisdiction they did not acknowledge, was flagrant abandonment of principles. Many of them on this account refused to serve, or pay their proportion towards hiring men to go in their stead. Prominent in their opposition to these regulations were Capt. James Clay, Lieut. Benjamin Willson, and a certain Mr. Cummings, all of Putney. To no purpose did McWain represent to them the dangers they were incurring, by refusing to comply with the requisitions of the state. Their course they had already decided upon, and from it they were not to be turned. Prompt in the performance of his duty, McWain informed them of the amount of the fine to which they had subjected themselves and demanded payment. Payment was refused. The sergeant then proceeded to levy upon their estates to satisfy the claim, and on the 21st of April, took into his possession two cows, one belonging to Clay and the other to Willson, and gave notice that a week hence they would be disposed of in Putney at public outcry. An opportunity was now offered to the Yorkers to resist. This they determined to do. Information of the time and place of the sale was accordingly conveyed to a few of the residents in the neighboring towns who were friendly to New York, and, on the morning of the 28th, near one hundred of those who had received notice assembled, unarmed, in Putney. They were principally members of Col. Eleazer Patterson's regiment, and were under his charge and that of his field officers. To oppose a force like this, the Vermont sergeant was not prepared. Still he was unwilling to stop or postpone the sale. Vainly did the Yorkers endeavor by calm argument to convince him of the impropriety of his conduct, and persuade him to give up the cows. Satisfied that force alone could avail, they took possession of the cattle with but little difficulty, restored them to the owners, and returned without further disturbance, to their homes.

On the 4th of May following, the committees of Hinsdale,

Guilford, Brattleborough, Fulham, Putney, Westminster, Rockingham, Springfield, and Weathersfield, "chosen for the purpose of opposing the pretended state of Vermont," convened at Brattleborough, and prepared a petition, addressed to Governor Clinton, and signed by Samuel Minott, chairman, in their behalf. In this paper, they set forth the disadvantages under which they had labored from being compelled to live without the benefits arising from a well regulated government, and described, in language indignant yet respectful, the annoyances to which the temporizing measures of Congress had subjected them. They referred to the hope they had entertained, that Congress would use "the first moment they could spare from more important concerns, to recommend to the revolted subjects of the state a return to their allegiance," and stated the reasons which had led them to indulge this hope. "We were encouraged to expect it," said they, "not only as the revolt established a precedent which might be dangerous in other states, and as the continent could derive no assistance of consequence from the 'Grants,' either in men or money, while they remain under a disputed government, but because the states had confederated for their mutual and general welfare, and bound themselves to assist each other against all force offered to, or attacks made upon, any of them, on account of sovereignty or on any other pretence whatsoever."

As the result of this apathy on the part of Congress, they made mention of the losses which the United States had suffered in the confiscation of the estates of Tories by the new state, the proceeds from which would, under a different management, have gone to supply the national treasury. They also enumerated the indignities to which they had been forced to submit, and the measures which they had been obliged to adopt to suppress the machinations of their foes. Assuming, then, a right to protection from the government whose jurisdiction they acknowledged, which right, if it needed confirmation, had been confirmed by the solemn engagement of the Legislature of New York, to concur in such measures as might be necessary to protect their constituents—assuming this right, they demanded a "speedy and effectual execution" of the promise which had been made them, and prayed for the adoption of measures which would convince Congress of the impropriety of further delay. "We shall otherwise," said they, "be compelled to obey a government which we view as a usurpation,

and add our strength to oppose one which we conceive entitled to our dutiful obedience and support.”*

On the 5th of May, Col. Patterson wrote to Gov. Clinton an account of the disturbances which had occurred in Putney. He also stated that in Fulham some of the subjects of New York, choosing rather to submit than to contend, had lately been deprived of their property by the direction of Vermont officials, and that in Guilford a tax had been levied upon those who it was supposed had done least in support of the war, which tax the collectors had not as yet been able to realize, on account of the strength of the opposition. He further expressed his fears lest the attempts which had been made in Westminster and Rockingham by the Vermonters to draft Yorkers, would end in broils, as the parties in those towns were nearly equal.† In anticipation of combined and strenuous efforts, on the part of the Vermonters, to seize the property and persons of such as refused to acknowledge their authority, he asked for advice, and suggested the necessity of issuing orders to the militia of Albany county to hold themselves in readiness to afford him assistance. Although unable to present an exact return of his command, he estimated it at five hundred, officers and men included, who were “but poorly armed,” and almost destitute of ammunition. Unless the Legislature of New York should give the desired aid, he announced his determination to resign his commission and retire from the public service. This letter and the petition, were entrusted to Micah Townsend, who delivered them to Governor Clinton at Kingston.‡

On the 14th of May, Clinton wrote, in reply, to Samuel Minott of Brattleborough, expressing his belief that the decision of Congress would be favorable to New York, and that the de-

* Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 9.

† On the same day in which the letter epitomized in the text was written, Capt. Lemuel Sargents of Rockingham, while engaged in enforcing one of the laws of Vermont, was threatened and insulted by Isaac Reed, Enos Lovell, Ashur Evans, and other inhabitants of that town. Being arraigned at Westminster, on the 26th of May, they were charged in the information of the state's attorney, with a “flagrant violation” of the rules of society, of the laws of the land, and of an act of the state passed in the month of February preceding, entitled, “An act for preventing and punishing riots and rioters.” Having been adjudged guilty, Reed was fined £30 6s. 6d.; Evans £25 6s. 6d.; and Lovell, £20 6s. 6d. To satisfy these mulcts, executions were issued, and the sheriff was directed to sell such a portion of the estates of the delinquents as would meet the demand. MSS. Information, Execution, &c. Slade's Vt. State Papers, 846-848.

‡ Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 10.

lay which had characterized their proceedings had arisen from no other cause than the necessity of first attending to topics of greater importance. "As in my former letters, so in this," wrote he, "I forbear to point out the line of conduct I could wish the well-affected inhabitants in your quarter should observe upon every particular occasion. I conceive it impossible, and therefore can only recommend, in general, firmness and prudence, and in no instance to acknowledge the authority of Vermont, unless where there is no alternative left between submission and inevitable ruin. This appears to me the only proper advice I can give at present, till we are favored with the sentiments of Congress relative to the dispute, or until we are convinced the business is designedly procrastinated. In either case, as the Legislature have promised, so I have no doubt that they will afford you protection, and that effectual measures will be immediately taken for vindicating the rights of this state, and enforcing a due submission to legal government. If, however, any outrage or violence, which you may suppose will produce bloodshed, should be committed in the towns continuing in their allegiance to New York, either by Green Mountain Boys, or any parties who may come under a pretence of carrying into execution the laws of Vermont, you will immediately apprise me of it, and you may be assured of all the assistance in my power, and I trust it will be sufficient for your safety and defence. In the mean time I will myself endeavor to procure intelligence, and if I should discover that any attempt will be made by Vermont to reduce you by force of arms, I will instantly issue my orders to the militia, who are properly equipped, and who will be led against the enemies of the state whoever they may happen to be." Other passages in this letter contained words of encouragement and promises of assistance, calculated to awaken hope and excite to action. "I could ardently wish," were Clinton's closing words, "that the inhabitants of Vermont would conduct themselves in such manner as to avoid the necessity of bringing matters to a crisis ruinous to them, and very injurious to individuals among us."*

On the 18th of May, Clinton transmitted to John Jay, the president of Congress, the papers he had received through Townsend and others, with a request that Jay would lay them before Congress. In the letter which accompanied these papers, he stre-

* Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 11.

nuously advocated the immediate interposition of Congress as the only means which could possibly avail to ward off the dangers impending. "The Legislature," wrote he, "have from time to time given the most solemn assurances of protection to their well affected subjects, and relying upon these promises, the inhabitants of several towns have hitherto persevered in their allegiance to this state. They will not, I imagine, remain much longer content with mere promises, and I daily expect that I shall be obliged to order out a force in their defence. The wisdom of Congress will readily suggest to them what will be the consequence of submitting the controversy, especially at this juncture, to the decision of the sword. It will not, however, I trust, be imputed to this state that we have precipitately had recourse to coercive measures. We have anxiously expected the sentiments of Congress upon this important business, and it was our earnest wish that in the mean time the inhabitants of the 'Grants' who deny the authority of this state would, by a proper conduct on their part, have prevented the necessity of force. But justice, the faith of government, and the peace and safety of society, will not permit us to continue longer passive spectators of the violence committed upon our fellow-citizens."*

While Clinton was striving to interest Congress in the topics which were attracting so much attention in New York, the Yorkers and Vermonters were as busily engaged in prosecuting their various schemes. As soon as it was known in Cumberland county that Col. Patterson and his men had set at naught the laws of Vermont, Col. Samuel Fletcher, commandant of one of the Vermont regiments in that county, went over to Arlington to consult with the state Council. Ethan Allen, ever since his return from captivity, had threatened to lead his Green Mountain Boys against the rebellious Yorkers, in the south-eastern corner of the state, and now that the Vermonters seemed determined to enforce submission to their authority, fears were entertained that he would not only put his threat in execution, but, in pursuance of a general plan, endeavor to subdue all who opposed the jurisdiction of Vermont.

As the initiative step in the proceedings which were to follow, Sergeant McWain, on the 18th of May, entered a complaint against those who had been engaged in the rescue of the cows,

* Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 12.

and damages were laid at £1,000 lawful money. Writs were issued, signed by Ira Allen, for the arrest of forty-four persons, among whom were the officers in Brattleborough, Putney, and Westminster who had received commissions from New York, charged with "enemical conduct" in opposing the authority of the state. Of this number thirty-six were taken and confined in the jail at Westminster. No return was made of the remaining eight.* Closely crowded together in one room, the prisoners were obliged to remain standing on their feet during the first night of their confinement. This, and the excessive heat of the weather, rendered their sufferings almost intolerable. In answer to their just demands, more comfortable quarters were, on the next day, provided for them, and their situation during the week in which they continued in prison, although by no means agreeable, was thus rendered endurable. That the sheriff might be protected in the execution of his office, Gov. Chittenden, as captain-general of the state militia, ordered Col. Ethan Allan to engage "one hundred able-bodied, effective men, as volunteers, in the county of Bennington, and march them into the county of Cumberland," there to remain during the sitting of the court. Orders for men were also issued to Col. Joseph Marsh and Col. Samuel Fletcher, and during the week of the trial a force varying from two hundred to three hundred and fifty were under arms at Westminster.

Armed with authority from the Governor, Ethan Allen at the head of a hundred Green Mountain Boys, boasted of his force which he represented as five times greater than it really was. In his intercourse with the Yorkers, he abused them in the most insulting terms. Not only with his tongue, but with his sword also, he assailed those who differed from him in opinion. Vermont, he swore, should be established as a state, let the cost be what it might; and if bombast and effrontery could have accomplished this end, there would have been no occasion for the efforts of any other person. Allen's rhodomontade would have effected that which was finally realized only by time and compromise. To such a pitch of rage were the Yorkers incensed by his conduct, that the reluctance to shedding human blood was alone sufficient to deter them from resisting his petty tyranny, and releasing the prisoners who were guarded by his men. At this crisis, a meet-

* These were Israel Smith of Brattleborough; Charles Kathan, William Perry, Noah Sabin Jr., and Joseph Lusher of Putney; Joseph Ide, Ichabod Ide Jr., and — Wilcox of Westminster.—MS. Court Records.

ing of the county committee composed of New York adherents, was convened at Brattleborough on the 25th of May. An account of the events of the preceding week was prepared by Samuel Minott, the chairman on that occasion, and was forwarded to Governor Clinton by an express. The prayer for relief was of a nature not to be mistaken. If aid is not rendered, "our persons and property," said they, "must be at the disposal of Ethan Allen, which is more to be dreaded than death with all its terrors."*

An adjourned session of the superior court was held at Westminster on the 26th of May. Moses Robinson of Bennington, presided as chief judge, assisted by John Shephardson of Guilford, John Fasset Jr., of Arlington, Thomas Chandler Jr., of Chester, and Capt. John Throop of Pomfret, side judges. To guard against interruption during the session, the people of the town who supported the jurisdiction of Vermont forcibly seized the public stock of gunpowder, amounting to one hundred pounds, which had been provided by the state of New York, and placed twenty-five pounds of it in the hands of their friends. Preliminaries having been arranged, the prisoners, under a strong guard, were marched from the jail-rooms in the lower part of the county hall to the court-room in the second story. Noah Smith, the state's attorney, exhibited a complaint against the delinquents, in which he stated, that they were assembled at Putney on the 28th of April previous, "in a riotous and unlawful manner;" that they, at that time, made an assault upon one William McWain, "a lawful officer in the execution of a lawful command," and rescued out of his hands and possession two cows, which he had taken by legal measures. He charged that such "wicked conduct" was a flagrant violation of the common law of the land, and contrary to the force and effect of a statute law of the state, entitled, "An act to prevent riots, disorders, and contempt of authority within this state, and for punishing the same."†

* Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 12.

† As an example of the severity of the earlier laws of Vermont, the act referred to in the text is given entire. It was passed at the session of the General Assembly holden at Bennington, in February, 1779, and, with the exception of its title, is as follows :—

"Whereas, breaking open gaols, rescuing prisoners, &c., are much to the damage of civil society,

"Which to prevent,

"Be it enacted, and it is hereby enacted, by the representatives of the freemen

Much time having been occupied in perfecting the arrangements incident to the occasion, and the day being far spent, the court announced a recess until the following morning. On their return to the jail, the prisoners held a consultation in order to decide upon the course which in the present emergency could be pursued with the greatest advantage. Of their number was Micah Townsend of Brattleborough, a lawyer of ability. By his advice they addressed a petition to the judges of the court, in which they set forth the peculiarity of their situation, and the want of impartiality in the proceedings then in progress against them. They averred that on account of the recency of their apprehension, and the strictness of their confinement, they had been unable to procure any writings or witnesses to substantiate the pleas which they might wish to offer, and, further, that they could not be "justified to their consciences and to the world," should they omit any "prudent and lawful measures to acquit themselves." They also desired the privilege of obtaining counsel from another state, to plead their several causes.

of the state of Vermont, in General Assembly met, and by the authority of the same, that if any person, or persons, shall impede or hinder any officer, judicial or executive, civil or military, under the authority of this state, in the execution of his office—on conviction thereof before the superior court of this state, [the offender] shall be whipped on the naked back, not exceeding one hundred lashes for the first offence, and pay all costs and damages that shall accrue from such disorder, beside cost of prosecution; and, for want of estate to pay said costs, damages, &c., the offender may be bound in service to any subject of this state, for such time as shall be judged by said court to be sufficient to pay said costs, damages, &c. And said court are hereby authorized to bind said delinquent.

"Be it further enacted, by the authority aforesaid, that if any person shall be guilty of a second offence of the like nature, and shall be convicted thereof, he shall be branded with the letter C on the forehead and shall be whipped on the naked back, not exceeding one hundred lashes; to be repeated every time of conviction.

"Be it further enacted, by the authority aforesaid, that if any person or persons, either directly or indirectly, shall break open, or aid or assist in breaking open, any gaol, or place of confinement, wherein any prisoner or prisoners may be confined by the authority of this state, on conviction thereof, [the offender] shall be whipped on the naked back, not exceeding one hundred lashes, and be branded on the forehead with the letter B, and pay a fine, not exceeding one hundred pounds, and all costs and damages that may accrue from such disorder, together with cost of prosecution; and for want of estate to pay said costs and damages, the offender may be bound in service as aforesaid.

"That the superior court, before the dismissal of such delinquent, may call on him to give bonds, in surety, not exceeding three thousand pounds, for his good behaviour; and in case such delinquent shall refuse to give such surety, said court are hereby empowered to confine such delinquent in any of the gaols in this state."—Slade's Vt. State Papers, p. 300.

To obtain these ends, they prayed that the court might be adjourned, for at least one month. To this petition were subscribed the names of twenty-eight of the prisoners. Its only effect was to procure as counsel for the delinquents, Stephen Row Bradley, then of Bennington, the temporary clerk of the court.

When the court resumed business on the morning of the 27th, the state's attorney having become satisfied of his inability to sustain the complaints which he had instituted against three of the prisoners, John Kathan, John Kathan Jr., and Lieut. Daniel Kathan, all of Dummerston, entered a *nolle prosequi* in their cases and withdrew the suits. At the same time the defendants' attorney, Mr. Bradley, presented a motion to quash the indictments preferred against Stephen Greenleaf Jr., of Brattleborough, Joseph Goodhue of Putney, and Josiah White, on the ground of the nonage of the parties. The motion was granted, and the court was about to proceed with the trial of the remaining prisoners, when an unexpected interruption took place. Ethan Allen, who, with his men, had been engaged at Westminster in assisting the sheriff and guarding the prisoners, had watched with interest and satisfaction the transactions of the preceding day, and had expressed great pleasure at the manner in which the goddess of justice seemed to be preparing to punish the rebellious Yorkers. He was not present at the commencement of the second day's session, but having heard that some of the prisoners were obtaining their discharge, he resolved to stop such flagitious conduct, and teach the court their duty. Accoutred in his military dress, with a large cocked hat on his head profusely ornamented with gold lace, and a sword of fabulous dimensions swinging at his side, he entered the court room breathless with haste, and pressing through the crowd which filled the room, advanced towards the bench whereon the judges were seated. Bowing to Moses Robinson who occupied the chief seat, and who was his intimate friend, he commenced a furious harangue, aimed particularly at the state's attorney, and the attorney for the defendants.

The judge, as soon as he could recover from his astonishment, informed the speaker that the court would gladly listen to his remarks as a private citizen, but could not allow him to address them, either in military attire, or as a military man. To this information Allen replied by a nod, and taking off his chapeau threw it on the table. He then proceeded to unbuckle his

sword, and as he laid it aside with a flourish, turned to the judge and in a voice like that of a Stentor, exclaimed,

“For forms of government, let fools contest;
Whate’er is best administer’d, is best.”*

He then turned to the audience and having surveyed them for a moment, again addressed the judge, as follows:—“Fifty miles, I have come through the woods with my brave men, to support the civil with the military arm; to quell any disturbances should they arise; and to aid the sheriff and the court in prosecuting these Yorkers—the enemies of our noble state. I see, however, that some of them, by the quirks of this artful lawyer, Bradley, are escaping from the punishment they so richly deserve, and I find also, that this little Noah Smith is far from understanding his business, since he at one moment moves for a prosecution, and in the next wishes to withdraw it. Let me warn your Honor to be on your guard, lest these delinquents should slip through your fingers, and thus escape the rewards so justly due their crimes.” Having delivered himself in these words, he with great dignity replaced his hat, and having buckled on his sword, left the court room with the air of one who seemed to feel the weight of kingdoms on his shoulders. After a short interval of silence, business was again resumed.

Of those against whom warrants had issued, thirty were now before the court on trial. These were Col. Eleazer Patterson of Hinsdale; Maj. Elkanah Day, Capt. Michael Gilson, Lieut. Medad Wright, Benjamin Whitney, Bela Willard, Joseph Willard, Bildad Easton, John Norton, and Deacon John Sessions of Westminster; Lieut.-Col. John Sargeants, Lieut. James Blakeslee, Lieut. Samuel Root, Micah Townsend, Timothy Church, and Benjamin Butterfield of Brattleborough; Capt. James Clay, Lieut. James Clay Jr., Lucas Willson, Ephraim Clay, Daniel Sabin, Noah Sabin, William Pierce, Noah Cushing, Samuel Wheat, Francis Cummings, James Cummings, Thomas Pierce, Joseph Jay, and Thomas Nelson of Putney. They were generally men of note and influence, and among

* Pope’s *Essay on Man*, epistle iii. vs. 303, 304. Referring to the sentiment contained in these lines, John Adams once observed, “Pope flattered tyrants too much when he said,

“For forms of government, &c.”

The Life and Works of John Adams, iv. 193.

them were some of greater ability than those who were to pass judgment upon their conduct. In answer to the charges preferred against them, they pleaded in bar that although by common law they might be held to answer a portion of the information, yet they could not be held to answer that part of it founded on the statute, since it was not in their power to know the statute at the time when the crimes were said to have been committed, as it had not then been promulgated.* This statement they declared themselves ready to verify. The court decided the plea in bar to be sufficient, and ordered that part of the information brought on the statute to be dismissed.

The delinquents then pleaded, to general issue, not guilty, and gave in evidence that they were subjects of the state of New York, and that the acts charged against them in the information as offences, were done by virtue of authority granted them by that state. Here the defence rested. Witnesses were then examined on the part of Vermont, and the cause was returned to the judges, who after due consideration pronounced the defendants guilty. As a punishment, they were all mulcted, the state being the recipient of the proceeds. Eleazer Patterson, John Sargeants, Elkanah Day, and James Clay, were fined, each, £40 lawful money. Michael Gilson, Lucas Nelson, and Timothy Church, each, £25. Micah Townsend, James Blakeslee, James Clay Jr., Benjamin Whitney, Samuel Root, John Norton, and John Sessions, each, £20. Ephraim Clay, Medad Wright, Bela Willard, Joseph Willard, and Bildad Easton, each, £10. Daniel Sabin, Noah Sabin, William Pierce, Noah Cushing, Samuel Wheat, Francis Cummings, James Cummings, Joseph Jay, Thomas Pierce, and Thomas Willson, each, £3. Benjamin Butterfield, £2. In addition to this the costs of prosecution,

* The law referred to, and which is given in full in a previous note, was passed at Bennington in the month of February preceding with many others, but was not published until several months had elapsed. In a letter from Ira Allen, dated at Norwich, April 19th, 1779, and addressed "To the inhabitants of the state of Vermont," occur these words:—"As the laws of this state were committed to my care to see to the printing of [them], I have to inform, that the printers have been some time engaged in that business, and will not attend to any other until that is accomplished. But to print them, really will take a considerable time, and cannot be done as soon as was expected, but depend, that they will be ready to deliver to the Assembly at their next session at Windsor." The session referred to, commenced on the 2d of June. The offences for which the Yorkers were tried were committed on the 28th of April, more than a month before the promulgation of the statute.

amounting to £1,477 18s., were divided equally among the delinquents.*

In commenting upon these events, Ira Allen in a letter to Benjamin Bellows of Walpole, written from Westminster, expressed what may be regarded as the sentiments of the more moderate portion of the partizans of Vermont. "It is not our design," said he, "to treat the inhabitants of this county with severity, but with as much lenity as the nature of the case will admit. Yet the authority of this state must be supported, for commissions from two different states can no longer subsist together. We mean not to boast of our victory over those gentlemen that were in favour of New York in this county, but hope to make them our friends, and have the pleasure of treating them as such. We mean this movement as a defiance to the old government of New York, with whom we have long contended for our properties."

The effect of these disturbances was visible not only in the conduct of the members of the two parties towards one another, but also in the measures adopted by the Legislature of Vermont. When on the 2d of June, the General Assembly held a special session at Windsor, this effect was made especially apparent. The act which was then passed, entitled, "An act to prevent persons from exercising authority, unless lawfully authorized by this state," was one of the direct results of the attempt which had been made by Col. Patterson to obey the directions of the state of New York. No one could mistake the intention of the government of Vermont, when it uttered its edicts in terms as plain and decided as these:—

"Whereas there are divers persons within this state, who have opposed, and do continue to oppose the government thereof; and who do, by every way and means in their power, endeavor to obstruct the free exercise of the powers of government within the same:

"Which mischief to prevent,

"Be it enacted, and it is hereby enacted, by the representatives of the freemen of the state of Vermont, in General Assembly met, and by the authority of the same, that if any persons within this state, except continental officers, shall, after the first day of September next, accept, hold, or exercise any office, either

* MS. Court Records. George Clinton Papers in N. Y. State Lib., vol. vii. docs. 2231, 2249. Doc. Hist. N. Y., iv. 957-966. Slade's Vt. State Papers, 805-812. Narratives of Old Men.

civil or military, from or under any authority, other than is or shall be derived from this state, and be thereof duly convicted, they shall, for the first offence, pay a fine not exceeding £100 lawful money, according to the discretion of the court which may have cognizance thereof; and for the second offence of the like kind, shall be whipped on the naked body not exceeding forty stripes, according to the discretion of the court before whom they are prosecuted; and for the third offence shall have their right ear nailed to a post, and cut off, and be branded in the forehead with the capital letter C on a hot iron. This act to continue in force until the rising of the Assembly in October, 1780, and no longer."

In order to express their approbation of the manner in which the late opposition of the Yorkers had been resisted, the Assembly appointed Edward Harris of Halifax, Silas Webb of Thetford, and Col. John Strong of Dorset, a committee to wait on his Excellency the Governor, and the members of the Council, and convey to them the thanks of the Assembly for their promptness in raising and sending the *posse comitatus* into Cumberland county in the month of May previous, "for the purpose of apprehending the rioters who were tried at Westminster." As a reward for his invaluable services, Ethan Allen was, on the 3d of June, created a Brigadier General, and the sum of 48s. lawful money *per diem*, was voted to each of those who had accompanied him or the other colonels, for the purpose of assisting the sheriff. At the same time means were taken to organize militia companies. As the initiative in this undertaking, the males in the town of Whiting, between the ages of sixteen and sixty, were ordered to choose a captain, a lieutenant, and an ensign, and the same directions were given to the inhabitants of Newfane. Owing to a representation made to the Assembly charging the enemies of the state residing in Cumberland county with being in possession of "considerable stocks of ammunition," the selectmen of the different towns were ordered to make application for, and receive everything of this description that might be held in their respective districts. In case of resistance, they were authorized to seize the contraband articles. No one was excused from affording aid in carrying this law into execution.

In the Council, measures more conciliatory in their nature were adopted. Maj. Stephen Row Bradley was appointed to prepare a proclamation "to be issued by his Excellency,"

relative to the disaffected inhabitants of Cumberland county. The instrument was drawn in conformity with the sentiments of the Council. On the 3d of June it received the official sanction in the following form:—

“By His Excellency Thomas Chittenden, Esquire, Governor, Captain General, and Commander in chief in and over the State of Vermont.

“A Proclamation.

“Whereas, sundry persons inhabitants of this state, forgetting that great tie of allegiance that ought to bind every subject in a faithful obedience to that power which protects life, liberty, and fortune; being instigated, partly through their own mistaken notions of government; not considering that all power originates from the people;* and building on a false reason, that a public acknowledgment of the powers of the earth is essential to the existence of a distinct, separate state; but more especially being deceived and influenced by certain persons,† who have crept in privately to spy out and overturn the liberties of this state, purchased at the dearest rate, who acting under pretence of power assumed by a neighboring sister state, never derived from God or nature,‡ have imposed their tenets on the credulous, whereby some have been led to follow their pernicious ways, in consequence of which, some of my faithful subjects have been traduced to oppose the authority of this state, and obstruct the course of civil law to the disturbance of the peace, thereby incurring the penalties of that great rule of right, which requires obedience to the powers that are.

“And whereas the supreme authority of this state, are ever willing to alleviate the miseries of those unhappy subjects, who transgress laws through mistaken notions, in remitting the penalties thereof; and inasmuch as equal punishments, in this case, cannot be distributed§ without punishing the righteous with the wicked.

“I have therefore thought fit, by and with the advice of Council, and at the desire of the representatives of the freemen

* The form of the proclamation given in the text, is taken from the published copy. In the original draft the words, “whose voice is the voice of God,” was inserted after the word “people.”

† In the original, this passage ran, “deceived and led on by certain persons ordained of old to condemnation.”

‡ In the original, these words were inserted at this point, “being mostly enemies to the prosperity of America..”

§ In the original, the words “inasmuch as the tares in this world cannot be separated from the wheat,” are used in place of the sentence commencing “inasmuch as,” in the text.

of this state, in General Assembly met, to make known and declare this my gracious design of mercy to every offender, and do hereby publish and declare to all persons, residing within this state, a full and free pardon of all public offences, crimes and misdemeanors heretofore committed within the limits of the same, against the honor and dignity of the freemen thereof; remitting to all and singular, the persons aforesaid, all penalties incurred for breaches of the peace, such as riots, mobs, tumultuous assemblies, contempt of and opposition to authority, excepting only the crimes of high treason, misprision of treason, and other capital offences, committed since the fifteenth day of January, 1777;* and all persons indicted, informed against, or complained of for any of the offences aforesaid, committed before this date, may plead this proclamation in discharge thereof, provided nothing herein contained be construed to extend to any person to whom judgment has already been rendered, nor to bar any person from recovering private damages, anything contained herein to the contrary notwithstanding.

“And I do further assure the subjects of this state, that it is not the design of government to take from any one the peaceable enjoyment of his own possessions, acquired by the sweat of his brow, whatever falsehoods, wicked and designing men may have invented to disquiet the minds of the faithful subjects of the state of Vermont.†

“Given under my hand and seal at arms, in the Council Chamber at Windsor, on the third day of June, 1779, in the third year of the independence of this and the United States of America.

“Thomas Chittenden.

“By His Excellency’s command.

“Jonas Fay, Secretary, *pro tem.*

“God save the People.”‡

* The words “and other capital offences, committed since the fifteenth day of January, 1777” are wanting in the original. The words following “misprision of treason” in the original are, “against this, or the United States.”

† In the original draft, this paragraph was introduced by the following sentence: “And I do further recommend and enjoin upon every denomination of men, strict obedience to the laws; as the executive authority are determined to carry into execution every good and wholesome law made by the freemen of this State.” Other verbal differences not here noted, may be observed by comparing the proclamation in the text with the original draft published in Slade’s Vt. State Papers, pp. 556, 557.

‡ MS. letter of Ira Allen to Benjamin Bellows. Slade’s Vt. State Papers, pp. 389, 390. Records General Assembly Vt. Records Council Vt.

By a resolution of the Council passed on the 7th of June, this proclamation, the orders of the Governor to Col. Ethan Allen dated the 6th of May, 1779, and an extract from the records of the adjourned session of the superior court, held at Westminster on the 26th of the same month, were published together, in order that the people might not be uninformed concerning the measure which had been taken to uphold the authority of the state.

On being apprised of the disturbances which had occurred in Cumberland county, Governor Clinton, on the 29th of May, transmitted by express, the papers containing the information to John Jay the president of Congress, with a request that he would lay them before Congress without delay. By the same conveyance he wrote to the New York delegation, telling them that the "Vermont business" had reached a crisis, and assuring them of his confidence in their exertions to obtain the opinion of Congress on that subject at the earliest moment possible. He informed them that the state Legislature would meet on the 1st of June, and would probably adopt decisive measures. At the same time he assured them that he should issue his orders to the militia, and make the necessary arrangements for supporting the injured dignity of the state; and further, that he should conceive it his duty to order a force of a thousand men who had been destined for the defence of the frontiers, to march to Brattleborough for the protection of that and the adjacent towns, unless the interposition of Congress should render such a measure unnecessary.*

On the 22d of May, before several of the events above referred to were known in Philadelphia, resolutions had been proposed in Congress by the New York delegation, the object of which was to obtain from Congress an acknowledgment of the right of each of the thirteen states to retain in its possession all the lands it had held while a colony of and subject to Great Britain, and to declare in what manner disputes regarding territorial jurisdiction should be settled. On the 29th, the day on which these resolutions were to have been taken up in committee of the whole, information anticipatory of trouble in Cumberland county was received, which led Congress to postpone their consideration. The committee met, however, on the 1st of June, and were engaged in a discussion of the resolutions, when letters

* Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 14.

arrived from Clinton containing an account of the trouble which had been foreshadowed. Although these letters were not laid before Congress, yet the legislation which followed was probably based in part upon them. A resolution was passed, authorizing the appointment of a committee who should be instructed to repair to the "Grants," and learn the reasons why the inhabitants refused to continue citizens of the respective states which had previously exercised jurisdiction over that district; and further, to take every prudent measure to promote an amicable settlement of all differences, and to prevent the recurrence of animosities and divisions which had already been so prejudicial to the interests of the United States. Information of this proceeding was conveyed to Governor Clinton in letters dated the 1st of June, from John Jay, the president of Congress, and from the New York delegation. In the communication of the latter, moderation was especially recommended. "In our opinion," said they, "it will be wise to abstain from hostilities for the present, and rather suffer a little than shed blood." They also expressed a hope that every cause of jealousy would be removed, and that "mutual confidence, harmony, and good understanding," would arise between New York "and her sister states to the eastward."*

On the 2d of June, Oliver Ellsworth and Jesse Root of Connecticut, Timothy Edwards of Massachusetts, Dr. John Witherpoon of New Jersey, and Col. Samuel J. Atlee of Pennsylvania, were deputed to visit the "Grants" in accordance with the resolve of Congress. Notice of their appointment was immediately communicated to them, accompanied with an urgent request from the president of the Congress, that they would enter immediately on the business which had been intrusted to them.

While affairs were in this condition, Governor Clinton wrote from his camp in the Highlands, on the 7th of June, to those who were especially interested in the amicable settlement of the disputes which had been the cause of so much ill feeling and violence. He informed Samuel Minott, the chairman of the committee of Cumberland county, that the advance of the British up the Hudson had delayed the meeting of the Legislature, and had compelled him to take the field. At the same time he assured Minott that he should convene the members as soon

* Papers relating to Vt. Controversy, in office Sec. State N. Y., pp. 15, 16.

as the safety of the country would admit of his return, and should endeavor to induce them to concert such measures as would insure the peace and safety of the inhabitants of Cumberland county. "In the mean time," said he, "I must earnestly recommend to you to continue firm in the cause in which you are engaged, and to conduct yourselves with prudence towards the revolvers, and you may rest assured that I shall make every exertion for your protection of which the executive authority of government is capable."*

To General Washington he communicated his regret that the late resolutions of Congress were insufficient to remedy the difficulties which they were designed to meet, and announced his intention of quitting the field in order to convene the Legislature, and make the necessary arrangements for vindicating the authority of the state. "I had flattered myself," wrote he, "that in consequence of my representation that Ethan Allen having the rank of a colonel under Congress, had with his associates seized and imprisoned the principal civil and military officers of this state in the county of Cumberland, the justice and wisdom of Congress would have adopted such measures as might have prevented this state from the cruel necessity they will too probably be reduced to in a short time, of opposing force to force. Your Excellency, who knows my inclinations and conduct, the zeal and exertions of this state in the common cause, and their long and patient forbearance under the usurpation of their revolted citizens, will judge with what anxiety we look forward to the cruel dilemma to which by the great principle of self-preservation we may shortly be reduced; and this anxiety is rendered doubly painful by the reflection, that the general interest of America must necessarily be affected by applying the resources for maintaining the authority of this state, which have been so amply and liberally afforded by them since the commencement of the war in support of the common cause." He also informed him that in order to carry into execution the measures upon which he had determined, it would be necessary for the state to be furnished with appropriate means. He therefore desired Washington to return "the six brass six-pounders, together with their apparatus," which New York had loaned to the United States in the year 1776, or to replace them in case they were not to be obtained. As to pro-

* Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 17.

visions, he stated that he had been ordered by the Legislature to collect a "magazine of flour," but that it would, perhaps, be wanted by those who might be ordered to support the authority of the state. The whole tone of the letter was in keeping with the course which the Governor had determined to pursue as a faithful guardian of the interests of the state.*

In writing to Jay, Clinton declared his opinion concerning the late action of Congress in language even more decided than that which he had used in his letter to Washington. He expressed his astonishment and concern that Congress had "passed over in profound silence" the remonstrances which had been sent them against the conduct of the revolters from New York. He appealed to their candor to decide whether their inaction accorded with their repeated resolutions in which they had declared their determination to "discountenance every species of disrespect shown by any officers in their service to the legislative or executive authority of the respective states;" or whether it was a proper result of their decision of the 1st of June, whereby they had resolved to "pay an equal attention to the rights of the state of New York with those of the other states in the Union." Not doubting the purity of the intention of Congress in appointing a committee to confer with the revolters, he at the same time made known his disapprobation of the measure in terms which could not be misunderstood. "I am apprehensive," said he, "it will by no means produce the salutary effects for which I suppose it was calculated; for, notwithstanding the just and generous terms offered by my different proclamations founded on the resolutions of the Legislature of this state, the refractory disposition of the principal actors in this revolt has still increased. By them it will be considered as an implied acknowledgment of their authority, and thereby tend to strengthen the usurpation; and in the minds of the well-affected citizens who know the repeated and uncontradicted declarations which the principal revolters have made that they have received encouragement from several members of Congress, some of whose names are mentioned, and who have observed that the most flagrant insults against the civil authority of this state, even by officers of Congress, have been totally disregarded, it will, I have too much cause to fear, excite fresh jealousies." For these reasons he recommended that the con-

* Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 20.

ference committee should postpone their journey until the state Legislature should have time to convene, and consider the late resolves of Congress. His letter to the New York delegation, though not as comprehensive, contained sentiments similar to those announced in the letters to Minott, Washington, and Jay.*

By the committees of six towns in Cumberland county, which acknowledged the jurisdiction of New York, John Sessions of Westminster was commissioned to bear to Governor Clinton an official account of the late transactions, and of the difficulties to which the subjects of New York had been exposed in consequence of their obedience to the laws of that state. In the letter of the committees which he carried, dated the 8th of June, an earnest wish was expressed that the state should bear his expenses to Philadelphia, whither they desired he should proceed for the purpose of expediting, if possible, the determination of Congress with respect to the controversy. A report spread by Ethan Allen, to the effect that two-thirds of the members of Congress were favorers of the new state of Vermont, served to render the committees especially anxious to know how much of this story was to be placed to the account of truth, and how much to the workings of fancy. As to the effect which the legal prosecutions they had suffered had produced, they used this language:—"We would beg leave to inform your Excellency, that we cannot long endure our present distressing situation, and if Congress does not immediately interfere, or the state protect us effectually and without delay, we shall be under the disagreeable necessity of submitting, though reluctantly, to be governed by the enemies of the state."†

Similar to this was the account sent by Micah Townsend to Governor Clinton on the 9th. From his declarations it appeared that the greater part of the Green Mountain Boys, with whom he had conversed during the time of the disturbance, were either unwilling or unable to make known the number of their "fighting men," or even of their regiments. He stated, however, on the authority of Roswell Hopkins, the clerk of the General Assembly of Vermont, that their militia force numbered three thousand, of which two thirds, it was supposed, would take arms against New York; that they also depended upon the

* Doc. Hist. N. Y., iv. 966-976. Journals Am. Cong., iii. 285, 286, 295-298. Papers relating to Vt. Controversy, in office Sec. State, N. Y., pp. 18, 19.

† George Clinton Papers in N. Y. State Lib. vol. viii. doc. 2394.

assistance of a thousand men from Berkshire county, Massachusetts, in an emergency, and upon the co-operation of the immigrants who were flocking from other states. He assured the Governor that Ethan Allen had remarked that the trials of the Yorkers had not been held for the purpose of distressing individuals, but that they were intended as a challenge to the government of New York "to turn out and protect their subjects." He also stated that Allen had publicly declared that the supporters of the new state had, for a long time, been engaged in making preparations for a contest with the Yorkers, that they were now prepared to receive their opponents, and were desirous that Governor Clinton should be informed of their readiness to fight. "After so open a challenge," wrote Mr. Townsend, in view of these circumstances, "if Congress does not immediately determine this controversy in favor of New York, or the state effectually protect their subjects here, it cannot be thought strange if they should in a body join the only government under which they can be secure. Who will dare resist the execution of the laws of Vermont, unless upon tolerably sure ground, when whipping, branding, &c., will infallibly be the consequence if superior force does not prevent it? And if submission must be our lot, will not the state hereafter, and with reason, have those who are now their friends for enemies? If Congress do not take up the matter presently, or if they make only a temporary settlement, it is clear to me that Vermont is favored, and will infallibly maintain their independence unless the force of New York prevents it immediately. For New York to delay taking arms, however specious the reasons, is the same as to yield the point."

In discussing the subject at greater length, Mr. Townsend recommended to Governor Clinton, in case the Legislature should deem it best to defend their constituents, to send from New York a force strong enough "to bear down all opposition" in the county, and then, if it should be thought practicable to make use of the Yorkers resident in Vermont, to supply them with arms, ammunition, and "some experienced officers." He further suggested, as a plan which had been communicated to him by one who was "acquainted with military matters," and who had ever been a staunch supporter of the jurisdiction of New York, that fortifications should be erected to enclose the Court-house at Westminster, and that two hundred or three hundred men should be sent to build them and to act as a garrison when they should be completed. The accomplishment of

this design he described as easy, owing to the bluff a few rods north of the building, which would serve as a natural rampart, and to the level character of the ground in every other direction. Under the protection of the garrison he recommended the establishment of courts of justice, a measure which, he supposed, would tend gradually to restore order and end opposition. "In this event," said he, "Charlotte county will be between two fires, the British and the Yorkers." To support the troops he doubted not that private contributions would be made. In behalf of Col. Samuel Wells of Brattleborough, he promised a thousand pounds of beef and a barrel of pork. He also expressed his belief that when it should appear that New York was "in earnest" in her efforts, a company could be easily raised in the county to assist in garrisoning the fort.*

These various communications, containing expressions betokening an intention of prompt and decisive action in certain quarters, were not without their effect. To atone for a supineness, which was probably the result of ignorance rather than of design, Congress resolved unanimously, on the 16th of June, that the officers acting under the state of New York, who had been lately deprived of their liberty "by certain persons of a district called the New Hampshire Grants," ought to be immediately liberated; directed the committee of conference, that had already been appointed, to inquire into the subjects discussed in Governor Clinton's letters, and report specially to Congress; declared that Congress did not intend, by their resolution of the 1st of June, to uphold principles subversive of, or unfavorable to, the internal policy of any of the United States; and decided that, inasmuch as "very salutary effects" were expected to follow the appointment of the committee of conference, further proceedings on Governor Clinton's communications should be postponed until that committee should report. Of the views of Congress at this time, upon the controversy between New York and Vermont, Jay, in a letter to Clinton, observed;—"The majority of the house have proper ideas on the subject, and we flatter ourselves that it will terminate right." Clinton received the resolutions of the 16th on the 23d, and immediately informed the New York delegation, that in consequence of the measures adopted by Congress, he should defer convening the Legislature until the beginning of August. He further remarked that this

* George Clinton Papers, in N. Y. State Lib., vol. viii. doc. 2397.

delay would give the committee an opportunity to report, and at the same time would not prevent him, in his official capacity, from making such arrangements for supporting the authority of the state as circumstances might require.*

Notwithstanding the excitement which had followed the attempt to seize the property of those who had refused to act in the service of Vermont, Chittenden proceeded on the 11th of June again to draft men, and did not fail to include the southern part of Cumberland county in the district from which levies were to be raised. In obedience to his orders, one of the officers of Vermont informed Benjamin Jones Jr., and John Kathan of Fulham, on the 17th, that they were required to do military duty. On their refusal to comply, being subjects of New York, the officer took a cow from each, and sold one of them by auction, and retained the other for the use of the state.† On the 21st, a party of Vermonters, acting under the same authority, seized a heifer belonging to Ezra Robinson of Fulham, and without notifying to the owner the time and place of the sale, disposed of the property at vendue. On the same day an officer who had been directed to demand the services of Ephraim Rice of Fulham as a soldier, called at his house accompanied by five men. Rice refused either to serve, or to pay one half the amount required to engage a substitute. Thereupon the officer took possession of a cow and a heifer, the value of which was nearly twice the amount necessary to discharge the obligation, and sold them under the hammer without public notice of the time or place of the sale.

While matters were in this condition, Dr. Witherspoon and Col. Atlee, two of the members of the committee of conference, arrived at Bennington, and held an interview with Chittenden and others concerned in the government of the state. On the 23d, the two members wrote to Samuel Minott, informing him of the object of their visit, and of the results which they hoped to achieve. They expressed a hope that by the interposition of Congress, there would be in a short time a happy accommodation of all differences, and stated that they had for the pre-

* Doc. Hist. N. Y. iv. 976-978. Papers relating to Vt. Controversy, in office Sec. State N. Y., pp. 21, 22.

† On the 23d of July following, the "inclosed wood" of John Kathan was entered, and "about three loads of hay" were removed, and appropriated to the use of the state of Vermont. George Clinton Papers, in N. Y. State Lib., vol. viii. doc. 2462.

sent obtained a promise from Governor Chittenden, that the subjects of New York resident in Cumberland county, should not be molested until a final settlement of existing differences should be effected. In view of these considerations, the committee recommended to Mr. Minott to counsel those whom he represented, to raise their full proportion of men, whenever the services of the people of Vermont were required either by the rulers of that state, or by continental officers. By following this advice, the Yorkers would neither acknowledge the authority of Vermont, nor disavow allegiance to New York. Such a course would also remove all imputations of disaffection to the cause of the United States, and would aid effectually in advancing the measures of pacification which were then on foot.*

In a letter of the same date to a friend in Cumberland county, Governor Chittenden advanced similar sentiments. Referring to the late refusal of some of the inhabitants of that county to serve in the Vermont militia, he expressed his regret that "a second insurrection and open violation of the authority" of Vermont, and of the United States had occurred, and that "private difficulties should in the least impede" a general union in defence of the liberties of America. Owing to the urgent necessity of securing the frontiers from depredation, he entertained no doubt that the inhabitants of Cumberland county would readily assist in that service. So long as they should continue to do their proportion in the present war, and the question of jurisdiction should remain undetermined, he recommended the suspension of all prosecutions against those who acknowledged themselves subjects of the state of New York.†

To obtain the information concerning Vermont desired by Congress, the committee of conference propounded a number of written queries to Governor Chittenden on the 24th. To these he returned written replies. The sentiments entertained by the government of Vermont towards that of New York and of the United States, became in this manner more fully known, and enabled Congress to ascertain with greater accuracy the strength of the position which Vermont had taken. The reasons assigned by Chittenden for the seizure of cattle in the preceding month, were the same that had been alleged at the time of the transaction. In answer to the main question of the

* Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 23.

† Papers relating to Vt. Controversy in office Sec. State N. Y., p. 24.

committee, whether the people of the new state would be willing to refer the final decision of the question of jurisdiction to the Congress of the United States, Chittenden answered that he believed he had the warrant of his constituents in saying, that "they would think themselves happy" in submitting to the arbitration proposed, provided the privileges granted to Vermont in supporting her cause were equal to those granted to New York, and on the further condition that the people of the former state should be permitted to reserve to themselves in the trial all the "rights, privileges, immunities, and advantages," which they might possess by any former power, grants, or jurisdiction.*

Witherspoon and Atlee, having accomplished their mission to their own satisfaction, set out for Albany without waiting for the arrival of their colleagues. Meantime, Governor Chittenden having been informed that the cattle which had been taken from the Yorkers, had been sold in consequence of his orders of the 11th inst., transmitted the intelligence, on the 27th, to the Congressmen with whom he had so lately held conference. In his letter he assured them that the seizure and sale were wholly the result of the refusal of some of the citizens of Cumberland county to contribute their proportion in support of the war, and could not, therefore, prejudice his attempts to effect a reconciliation. He also informed them that Mr. Root, and Mr. Ellsworth, two of the other three members of the conference committee, were then within a few miles of Bennington. So anxious was he to insure the safe delivery of his communication, that he sent it by the hands of a special messenger. In their reply, the committee manifested great concern lest this last disturbance should be the means of defeating the measures for a reconciliation which had been agreed on. Although unwilling to regard it as "a breach of the agreement," yet they did not hesitate to inform Mr. Chittenden that all hopes of a peaceful settlement would be frustrated, unless proceedings of this nature were discountenanced and forbidden, and restitution made to those whose property had been taken.

On their return to Philadelphia, Witherspoon and Atlee presented a report to Congress on the 13th of July, embracing an account of the manner in which they had been received by the new state men, and of the written replies which they had

* Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 25.

received in their conference with Governor Chittenden. It does not appear that this report was ever accepted, nor could it have been with propriety, since it was presented by two members of the committee only, while three was the smallest number authorized to act officially. As far as this mission was intended to answer the purposes of those who proposed it, it was a failure.* It served, however, to sustain the hopes of the new state party and to give them fresh zeal in their efforts to obtain from Congress an acknowledgment of Vermont as a free and independent state.†

On the 23d of July, the committees of Hinsdale, Guilford, Halifax, Brattleborough, Fulham, Putney, Westminster, Rockingham, Springfield, and Weathersfield, assembled in convention at the house of Col. Serjeants in Brattleborough for the purpose of concerting measures to protect themselves and their constituents from the indignities to which they were subjected by the authorities of Vermont. Samuel Minott being chairman and Micah Townsend clerk, a petition was prepared, addressed "to the honorable the Congress of the United States of America," in which the disputes concerning the jurisdiction of the New Hampshire Grants were reviewed, and the conduct of those concerned in them, noticed. In opposition to the attempts of those who desired to establish Vermont as a separate and independent state, the petitioners stated that a majority in several, and a respectable minority in other towns in Cumberland county, including men of the best character and estates, were of the opinion that the settlement made by the king of Great Britain in the year 1764 was still binding and would so remain until Congress should determine otherwise. Announcing this as their own belief they declared that they had refused to join in the "unprovoked and unreasonable" revolt from New York, choosing rather to suffer the inconveniences which would attend their loyalty than to join in an internal revolution whose consequences would tell so fatally upon the common

* During three or four months succeeding the visit of the congressional committee of conference, it is probable that the laws of Vermont were not strenuously enforced against the Yorkers. In the orders of Col. Samuel Fletcher to Capt. Jesse Burk of Westminster, dated at Townshend on the 2d of August, 1779, Burk is directed "to call upon those called Yorkers" to contribute their proportion in hiring a man to do military duty, "but not to proceed in law against them in case of refusal at this time." George Clinton Papers, in N. Y. State Lib., vol. viii, doc. 2466.

† Various MSS. Doc. Hist. N. Y., vi. 978, 979. Journals Am. Cong. iii. 322.

cause of America. Referring to the cruel activity which had been evinced towards them by the "usurped government," and to the proscriptive and bloody enactments which the Legislature of Vermont had seen proper to pass, in order to hold them in subjection, they besought Congress—by the "complete anarchy" under which they had long suffered, by the imputations to which they were continually exposed of being branded as Tories on account of their refusal to obey the laws of Vermont, and by the respect due the articles of confederation, whose words were intended as emblems of the protection which would be afforded to each of the United States—to adopt such measures as should restore rights to those who had been deprived of them by violence, and ensure peace to a distracted people.*

At the same convention, a letter was prepared for Governor Clinton, more particular in its details of the situation of affairs, and more desponding in its tone, than any which had preceded it. In this communication Samuel Minott, in behalf of his associates, recounted the services which they had rendered, and referred with regret to the little good which had been thereby accomplished. He stated that a number of the inhabitants of Cumberland county, influenced by principles of duty and affection towards the state of New York, and opposed to the exercise of an authority which they deemed usurped, had, since the beginning of the year 1778, chosen committees to conduct their opposition; that they had held frequent meetings for the purpose of preserving and increasing the interest on this subject, and had often addressed his Excellency in relation to its importance; that this attachment had subjected some of them to fines, imprisonment, and the partial loss of their estates; and that the state of anarchy which they had been compelled to endure had been to them a constant source of trouble and disquiet. "We suffered all with patience and cheerfulness," continued the writer, "hoping that Congress would at length interfere and do justice to the state of New York, by recommending to the revolted to return to their allegiance and use their influence to quiet the disorders. And when the violent measures of Vermont had attracted the notice of Congress, and threatened to disturb the peace of the continent, we rejoiced at what had

* Doc. Hist. N. Y., iv. 981-987. Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 26.

occasioned Congress to attend to our difficulties, though otherwise distressing. But when we are convinced that those from whom we expected relief, by public recommendations and private advice, countenance what we before thought was rebellion; and instead of supporting the jurisdiction of New York, advise its subjects to a temporary submission to Vermont, and, as we are informed, the officers of Vermont how to conduct the opposition to New York, we are discouraged, and think it needless for us to spend our time and money, and perhaps subject ourselves to trials for treason, on account of our duty to the state. As to their future conduct, he assured the Governor that the county committee were to convene on the return of their representatives from the Assembly of New York, and would then dissolve and submit "to the powers that are," unless it should appear that the state had determined to assert and support its jurisdiction. Amid all these discouragements, he did not fail to declare his belief that the rights of New York could be maintained on the "Grants." In closing, he acknowledged with great courtesy the attentions which his Excellency had paid to the distresses of his constituents, and expressed gratitude for the efforts which he had made to restore peace to an unhappy country."*

Before presenting the petition to Congress, the convention determined to submit it to the New York Legislature, and obtain their views concerning its sentiments and propositions. It was accordingly placed in the charge of Charles Phelps, who was instructed to carry it to Kingston. Thence he was to take it to Philadelphia, provided the Legislature should agree to bear his expenses. The representatives in the New York Assembly from Cumberland county at this time, were Mical Townsend, Elkanah Day, and John Sessions. The petition was brought in by Mr. Townsend on the 25th of August; and, its object having been fully explained, the House signified their approbation of the course which it recommended by the following preamble and resolutions:—

"Whereas, the inhabitants of the towns of Hinsdale, Guilford, Halifax, Brattleborough, Fulham, Putney, Westminster, Rockingham, Springfield, and Weathersfield, in the county of Cumberland, are immediately and greatly affected by the disorders prevailing in the north-eastern parts of the state; have suffered exceedingly by their attachment to this state, and oppo-

* George Clinton Papers, in N. Y. State Lib, vol. viii. doc. 2448.

sition to the authority of the pretended state of Vermont; may be presumed to be peculiarly anxious for the restoration of order and good government; and under these circumstances, are entitled to great indulgence and attention. And, whereas, the Legislature are disposed to attempt every measure, which may have even the most remote tendency to peace and accommodation :

“ Resolved, therefore, that for the above reasons, this House do consent that the petition of the inhabitants of the said towns, signed by Samuel Minott, and bearing date the 23d of July last, be presented to Congress.

“ Resolved, that the Legislature will provide for the expense of the journey of Charles Phelps, Esq., appointed by the inhabitants of said towns, to present the said petition.

“ Ordered, that Mr. Jay and Mr. F. Bancker, carry the said petition, together with a copy of the above resolutions, to the Honorable the Senate, and request their concurrence in the said resolutions.”

The petition was read in the Senate on the 26th. The action of the Assembly was approved of, and the same preamble and resolutions were adopted as an expression of the views of the upper house. While these measures were in progress, Governor Clinton had addressed a message to the Legislature on the 25th, in which he had referred to the “disturbances in the northeastern counties” of the state, and to the necessity of subduing to submission, those who had excited them. The theme suggested was taken into consideration on the 26th by a joint committee from the two houses, who reported a draft of instructions for the benefit of the New York delegation in Congress. The report was agreed to by the Senate on the same day, and on the 27th was concurred in by the Assembly. These instructions, together with the documents emanating from Cumberland county previously mentioned, were intrusted to Phelps, who soon after left Kingston for Philadelphia.*

While the Legislature of New York and the citizens of that state in Cumberland county, were engaged in endeavoring to induce Congress to adopt measures which should put a period to the dangers by which they were threatened, Governor Chittenden was not idle. In a letter addressed by him to President

* N. Y. Assembly Journals. N. Y. Senate Journals. Doc. Hist. N. Y., iii. 987-992. Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 27.

Jay on the 5th of August, he maintained the right of the new state to a separate and independent jurisdiction, and stated in plain but forcible terms, the reasons which had induced the late seemingly severe conduct on the part of Vermont towards the New York adherents. He denounced the action that Congress had taken in their resolves of the 16th of June previous, and declared that the authority of Vermont had been "impeached and censured" by them, before the "facts and circumstances in the case could have been particularly known." The punishment which those acting under New York authority had received, was owing, he remarked, to a "high-handed breach of the peace," of which they had been guilty, and he further stated that their liberation had been effected previous to the passage of the resolves referred to. The full meed of praise was given to the valor and patriotism of the Green Mountain Boys. Their readiness to engage in the scenes of war, and to bear their proportion not only of the labor but of the expense also, received special comment. Notwithstanding the declaration of the inhabitants of the southern part of Cumberland county, that they were the warm friends and firm supporters of the cause of the United States, the Governor asserted that many of them who were able-bodied and effective, had taken advantage of the disputes between New York and Vermont, "to screen themselves from service," and had refused to comply with the appeals which had been frequently made to them for their quota of men and money to furnish defence for their own frontiers. The whole tenor of this letter bore evidence to the intention of the writer and his friends, to maintain, at all hazards, the independence of Vermont as a separate state.

On his arrival in Philadelphia, Phelps, not satisfied with delivering the documents of which he was the bearer, used his exertions to interest such members of Congress as he could approach, in behalf of the measures advocated by the New York delegation. While engaged in these attempts, he kept the Legislature, at whose expense he was then supported, well informed of the temper of Congress, and of the opinions which were entertained by the members on the subject of the controversy. Some of them, he stated in his letter of the 21st of September, were satisfied with the manner in which New York had borne with those who had maltreated her subjects, and were of opinion that it was "high time" to put an end to the jurisdiction of Vermont. At the same time he did not conceal

the fact, that there were others who would be glad to see Vermont established as a separate state. After numerous delays the subject of the controversy was taken up by Congress on the 24th of September, and several resolutions were adopted preparatory to the final disposal of the matter. The committee of conference, who had been appointed in the month of June previous, a majority of whom, as it was declared, had never met in the district to which they were sent, and, therefore, had never executed the business committed to them, or made a regular report thereon to Congress—this committee were discharged from further service.*

To the states of New Hampshire, Massachusetts, and New York, the passage of laws expressly authorizing Congress "to hear and determine all differences between them, relative to their respective boundaries, in the mode prescribed by the articles of confederation," was earnestly recommended. To the same states the passage of similar laws was also recommended, concerning the settlement of disputes between them and the inhabitants of the "Grants." Congress also asked for authority to adjudge all differences subsisting between the grantees of the states named with one another, or between either of the states, respecting title to lands lying within the "Grants." In case this power was granted by the states concerned, Congress pledged their faith to carry into execution the decision they should make, whatever it might be, in order that permanent concord and harmony might be established, and all cause of uneasiness removed. The first day of February, 1780, was fixed upon as the time when Congress would hear the arguments of the different parties. As to the manner of voting, it was expressly stated that neither of the states interested in the controversy should vote on any question relative to its decision. Until this reference was had, Congress declared it the duty of the people on the "Grants," who denied the jurisdiction of the states before mentioned, to abstain from exercising any power over any of their neighbors who professed allegiance to any or either of the interested states. They further declared it to be incumbent on New York, New Hampshire, and Massachusetts respectively, to suspend the execution of their laws over the inhabitants of the "Grants," except in the case of those who acknowledged the jurisdiction of any one of these states. In

* Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 29.

defining the limits of that district for which a separate and independent jurisdiction was claimed, they resolved that none of the towns either on the east or west side of Connecticut river should be considered as included within it, those being excepted which had heretofore actually joined in denying the jurisdiction of the states before named, and had assumed a separate jurisdiction under the name of the state of Vermont. They also gave it as their opinion that no unappropriated lands or estates lying in this newly named district, which had been or might be adjudged, forfeited, or confiscated, ought to be granted or sold, until the final decision of Congress should be made known. The inhabitants of Vermont were especially desired to abstain from all hostile action, and to this end it was recommended to them to cultivate harmony and concord among themselves, to forbear "vexing each other at law," and to "give as little occasion as possible for the interposition of magistrates." By these resolutions it was proposed, that the power of deciding the controversy should rest with Congress. On the 2d of October, it was proposed that this power should be vested in "commissioners or judges," to be appointed in the mode prescribed by the ninth article of the confederation.

This programme of the course which Congress intended to pursue, was immediately transmitted to all the parties interested, with a request that they would conform to its provisions. In compliance with this application, resolutions were passed and agents were appointed by New York, on the 21st of October. On the same day, the General Assembly of Vermont elected delegates to appear at Congress to vindicate the right of that state to independence, and to agree upon articles of union and confederation. Massachusetts, although she did not choose agents to represent her in the approaching conference, avowed her right to a portion of the controverted territory, notwithstanding the agreements which had been previously made, by which she had been excluded from participation. The resolves of Congress were approved of in New Hampshire, and delegates were chosen on the 17th of November, to present and defend the claims of that state at the time appointed. The power of deciding the unhappy disputes which had caused so much personal and political animosity, was now in the hands of a tribunal which commanded the respect of the appealing states. To its decision, not only the parties concerned, but all the states in

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the confederacy looked forward with an interest commensurate with the importance of the results which were to follow.*

* Doc. Hist. N. Y., iv. 992-1000. Journals Am. Cong., iii. 350, 368, 365-4 371. Slade's Vt. State Papers, pp. 110-115. Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 80. Laws of N. Y., in office Sec. State N. 1777-1789.

CHAPTER XIV.

CONTINUATION OF THE DISPUTE. THE BURNING OF ROYALTON.

Representatives from Cumberland county in the New York Assembly—Guilfordite Yorkers—Elections held by order of New York—Micah Townsend's Letter to Gov. Clinton—Convention of Committees at Brattleborough—Samuel Minott to Clinton—Charles Phelps refuses to serve in the Vermont Militia—He and his son Timothy are fined—Second Convention of the Committees—Major Jonathan Hunt sent to Philadelphia—Action of Congress—attempts of Vermont to effect a Settlement with the Yorkers—Petition of Inhabitants of Cumberland county to the New York Legislature—Gov. Clinton's Letter to Samuel Minott—Josiah Bigelow and Peter Briggs, the contumacious Yorkers—Col. Patterson's attempts to enlist Soldiers—Suspensions concerning the loyalty of Vermont to the American cause—Gov. Clinton's opinion—Hearing before Congress of the Claims to the "Grants"—Incursion of the Indians at Barnard and Bethel—Fort Defiance built—The British and Indians plan an attack on Newbury—Are diverted from their object—They attack Royalton—Sufferings of the Havens family—Adventures of Gen. Elias Stevens and Capt. John Parkhurst—Escape of the Rix family—Heroic conduct of Gen. Stevens—Various incidents connected with the capture of the Inhabitants—Col. John House and his men pursue the Enemy—The Fight—The Threat of the Indians—Their Flight—Fate of the Captives—Opinions concerning the conduct of Col. House—Review of the Losses—Incidents connected with the Inroad—The Exploits of Mrs. Hendee—The Alarm at Brookline—The Flight of the People—The Burning Brush-heaps at Newfane—Preparations for Defence—The gathering of the Soldiery—The Calmness of Noah Sabin Sen. misinterpreted—Explanation of the Alarm.

DURING the winter of 1779, 1780, and the spring of the latter year, various attempts were made to obtain from Congress a decision of the controverted question of jurisdiction which continued to harass the people of New York and cramp the energies of the inhabitants of Vermont. The attention of Congress was so much occupied in furthering the general welfare of the Union, that the points of difference between the contending parties, were allowed to remain undecided. Meantime, Cumberland county was represented in the Legislature of New York by Micah Townsend of Brattleborough and Elkanah Day of Westminster. The former occupied his seat from the middle of August, 1779, to the middle

of March, 1780, and was indefatigable in his endeavors to assist the inhabitants of Cumberland county. The latter was present for a few days only, at the beginning of the session; and, whether governed by choice or necessity, did but little to advance the interests of his constituents.

In a few of the towns in the county, the Yorkers continued to assert their rights, and did not scruple to punish those whom they deemed guilty of crime. Some time in the month of February, 1780, Henry Sherburn and Timothy Root, inhabitants of Guilford, and supporters of New York authority, "arrogated to themselves" the power of acting as judges in a case between Ephraim Nichols and Henry Hix. Sherburn administered oaths, took the evidence in due form, and, in conclusion, he and Root decreed Hix guilty, and awarded to him, as a suitable punishment, fifteen stripes on his naked back. It is stated that "Job Whitney laid them on." But the Guilfordite Yorkers were not content with partially establishing the jurisdiction of the state to which they owed allegiance. They aimed to be the sole rulers within their own town. They were jealous of rivals, and of those who seemed to be aiming at that condition. It was this sentiment which, on the 6th of May, brought Hezekiah Stowell, Asa Rice, Phineas Rice, and Micah Rice, headed by the before-named Sherburn, to the house of Levi Goodenough Jr., who, by the authority of the people of "the independent state of Vermont" was holding a court, and at the time of the visit, was busied in the trial of a criminal. On this occasion, Sherburn evinced higher powers of magistracy, for, by his orders, Goodenough was forbidden to proceed with the trial, the court was broken up, the criminal was ordered home, and the authority of Vermont was defied.

Circumstances like these served to awaken in the minds of the Yorkers the hope that they might be successful in establishing what they regarded as the rightful jurisdiction. In several towns they attempted to exercise the right of suffrage, at the spring elections which had been ordered by New York. Simeon Edwards, a valiant citizen of Guilford, "signed and posted up a warrant in the name of the sheriff," requiring the people of the town to assemble and elect a Governor and other civil officers for the state of New York. In obedience to this call, those of the inhabitants who regarded the warrant as legal assembled, and an election was held. In other places the supporters of the new state, tore down the notifications and threatened all

who should concern themselves in New York elections with prosecutions. When the people met at Putney to vote, the Vermonters appeared in force, and, by their authoritative and menacing manner, put an end to the voting. Conduct similar to this in other towns deterred many of the more timorous friends of New York from declaring their sentiments. The election was regarded by all as a failure. It did not express even the little strength which was to be found in the ranks of the minority.

On the 10th of April, after his return home from the session of the New York Legislature, Micah Townsend wrote to Governor Clinton informing him of the sentiments which were entertained concerning the controversy, by the various classes of people with whom he was brought in contact. For three years had the loyal subjects of New York awaited the decision of Congress respecting the recognition of Vermont as a separate state. To the February just passed they had looked forward with the hope that this important question would then be settled. Their agents had, however, returned from Philadelphia, and the most encouraging report they could give, was that Congress would not at present determine the dispute. Uneasiness, "general and great," followed. A few openly espoused the cause of, and subscribed the oath of allegiance to Vermont. Many, wavering between hope and fear, began to think of safety in "an agreement with the ruling powers," as they designated the government of Vermont. Others, resolving to remain true to the jurisdiction which they believed just, continued to exhort the desponding to stand firm in the interest of New York, until Congress should have leisure to view the important question in its varied bearings, and publish a decision which should prove equitable as well as legal. Meantime the Vermont Legislature were straining every nerve to increase their power. At their March session held at Westminster in the present year, they had granted large quantities of land to persons residing in the New England states, and had appointed a committee of three to confer with the Yorkers in Cumberland county. The men chosen to manage this conference, having lobbied at Congress, had become skilled in the arts of insinuation, and fears were entertained that they would succeed in misleading those who had not much to gain should the authority of New York be established, but who had every-

thing to lose in case her claim should be pronounced invalid.*

For the purpose of ascertaining the political condition of Cumberland county, a convention of those owing allegiance to New York was held at Brattleborough on the 11th of April. Nine towns were represented. However satisfactory the deliberations on this occasion might have been, yet the letter to Governor Clinton, written by the chairman Samuel Minott, in behalf of the convention, was not of a character to inspire hope, either by its references to the present, or by its estimates of the future. After mentioning the opinion prevalent among the people, that Congress would pay no attention to the settlement of the dispute during the continuance of the present war, Mr. Minott reverted to the transactions in which he and his associates had been engaged in support of the jurisdiction of New York. He reminded the Governor, that many of the inhabitants of Cumberland county, from the time the independence of Vermont was asserted, had continued subjects of New York; that the Legislature of New York, to encourage them to remain in allegiance, had, "in the most solemn manner," pledged the faith of the state to protect their persons and property; and (although no blame could be charged upon his Excellency) that this pledge had been broken, many of the subjects of New York having from time to time been "notoriously injured," and prevented from obtaining the least satisfaction for their maltreatment, or the least assurance of exemption from such usage in future. He then referred to the ineffectual attempt which had been made in Congress to settle the dispute, by sending commissioners to the "Grants," and alluded to the resolutions which had been passed by the same body on the 24th of September, 1779, "generously designed" to protect the grantees, and "prevent the alienation of public property." Nor did he omit to inform his Excellency, that the Legislature of Vermont, in spite of all these endeavors, had made large grants of land to certain persons who had applied for favors of this kind; had imprisoned and harassed several of the subjects of New York for offences against the laws of Vermont; had punished several who had sold liquors without a Vermont license; and had chosen a committee to attempt to persuade the subjects of New

* MS. Information against Yorkers. George Clinton Papers, in N. Y. State Lib. vol. ix. doc. 2791.

York to submit to the jurisdiction of the new state before the 1st of June following.

Alluding to the precariousness of the situation of the Yorkers, he continued: "Hitherto, sir, we have at the risque of our ears, and of receiving the infamous punishment of whipping, supported the jurisdiction of the state in this county. But as we begin to believe that Congress—with whom the matter now solely rests—will not do anything effectual for our relief, we do not think it our duty any longer to put our all at stake. We would wish, sir—we are earnestly desirous, to live under the government of New York, but cannot longer risque so much for a government which is either unable or unwilling to protect us; and must candidly assure your Excellency, that unless Congress shall have settled this controversy by the 1st of June next, the subjects of New York in this county must, for their own safety, connect themselves with some power able to afford them security." While thus stating the grievances to which the adherents of New York in Cumberland county had been subjected, Mr. Minott, in behalf of his associates, assured the Governor that these unfortunate results had not been occasioned by any neglect on his part. "We beg leave," wrote he, "to express the warmest sentiments of gratitude to your Excellency, for your conduct through the whole of our most distressed situation. We are truly sensible, sir, that *you* have done all in your power to relieve us, and that if Congress had the same tenderness for the calamities of their constituents which you have repeatedly shown to those under your care, we should before this have been in a capacity of doing something to assist the continent in carrying on the war." Such were the accounts transmitted to Governor Clinton from Cumberland county. They were intended both for his instruction and the edification of the congressional delegation from New York.

Accompanying this communication was a letter from Micah Townsend, of the 12th and 14th of April, confirmatory in part of the statements which had been previously reported. His own situation he represented as "truly disagreeable," and his reasons for this declaration were not trifling. He was well aware that the New York Legislature regarded every act done by them for the maintenance of their jurisdiction on the "Grants," as a favor conferred upon their constituency who resided there. He also knew that the Yorkers in Cumberland county supposed that they had merited from the Legislature protection at least, since

without any prospect of private advantage, they had spiritedly maintained the authority of New York against the violent measures of the Vermonters. An accurate knowledge of the situation of the Yorkers, both in and out of Vermont, enabled him to mark the instances in which a want of union in their counsels had been detrimental to their cause, and had given strength to their antagonists.*

Having dispatched these letters, the subjects of New York flattered themselves that there would be no necessity of troubling the government with their complaints for some time to come. As the Vermont Legislature had appointed a committee to confer with the Yorkers for the purpose of establishing a basis for a union, it was not supposed that hostilities would be continued between the two parties, or that Vermont laws would be enforced against those who denied the authority of the state. But the facts were otherwise. Pursuant to orders from Governor Chittenden, drafts of men were made in Cumberland county in the latter part of April. In some towns no distinction was observed between those who acknowledged and those who denied the jurisdiction of Vermont, and in the few towns in which a difference was made it was wholly favorable to the citizens of that state. In Marlborough, Charles Phelps and two other persons, who had long been bitter opponents of the new state, were drafted as soldiers until the 1st of January, 1781. Phelps refused to serve, and declined to pay the fine which was imposed upon him in consequence of his refusal. On the 2d of May, 1780, Abel Stockwell, in conformity with the statute in that case provided, attempted to distrain for the fine. While thus engaged he was attacked by Charles Phelps and his son Timothy, who did "beat, bruise, cut, wound, and evil entreat" him to such an extent that his "life was greatly despaired of." Dissatisfied with this result, Stockwell visited Phelps's house a second time, and on this occasion seized his cattle and levied a fine of "twenty silver dollars" on his son. At the same time he threatened the younger Phelps with whipping if the fine was not paid. A few days after this occurrence, as was then reported, a post was erected in Marlborough for the purpose of facilitating the execution of the punishment.

Determined to prosecute the matter further, Stockwell entered a complaint against the Phelpses, and, on the 23d of May, the

* George Clinton Papers, in N. Y. State Lib., vol. ix. docs. 2798, 2806.

sheriff was ordered to attach their goods to the value of £6000 lawful money, or their bodies in case property to this amount could not be found. On the 8th of June, Joseph Church, the constable of Marlborough, endorsed the following return on the writ: "I have attached sixty acres of land belonging to the within named defendants—thirty acres belonging to the within named Charles Phelps, Esq., beginning at the dividing line between him the said Charles and Timothy Phelps, ten rods west of his dwelling-house, west as far as his land goes, and so far south as to contain thirty acres; and thirty acres belonging to Timothy Phelps, beginning at the above-mentioned dividing line, extending north as far as to contain thirty acres, bounding west on Newton's land—and have left an attested copy at each of their houses of this writ, with my doings thereon." The cause was tried on the 3d Tuesday in June, but the decision of the court was withheld. At the August term, Charles Phelps came before the court, and, in defence of his conduct, stated that he made the assault only to maintain possession of his property, which was being "wrenched from him by force and arms;" that he was a subject of New York, but could obtain no redress of grievances by the laws of that state; and that he was forced "by the laws of nature and nations" to protect his rights by the means which were in his power. It is hardly necessary to say, that these statements produced but little impression on the court. The defendants were sentenced to pay a fine of £500 lawful money, and an execution was immediately granted against the property which had been already attached. Marlborough was not the only town whose inhabitants were called upon to serve in the Vermont militia. In Halifax, five Yorkers were drafted but no Vermonters. In Guilford, Capt. Price and four other persons, subjects of New York, were enrolled, and two of the new state's men. In Dummerston, one Yorker and one Vermonter were drafted. In Putney, thirteen Yorkers and two Vermonters were required to furnish five men.

On the 2d of May, the committees from eleven towns in Cumberland county, assembled at Brattleborough, for the purpose of devising such measures as should seem best fitted to protect their own interests and those of New York. In a letter addressed to Governor Clinton, they explained their situation, and defined the position in which they were placed. To fight with or submit to the government of Vermont appeared to them their only alternative. "On the one hand," said they, "we have

nothing to expect but an unequal and bloody conflict with a ferocious set of men, exasperated by our opposition to their illegal measures. On the other, submission to a government which we know to be usurped, and whose cruelties have already taught us to dread and abhor it. From this dilemma Congress, and Congress alone, can relieve us; and if our situation could be rightly explained to them, and that honorable body could be induced for a moment seriously to attend to it; if they have not wholly lost that glorious spirit which has heretofore, in so eminent a manner, distinguished them—and regard their faith unanimously and solemnly pledged, we are persuaded they *must* put an end to our miseries by speedily determining to which of the thirteen states we belong. But, if they will not, God knows what will become of us, even while we are waiting their leisure.” Other points bearing upon the subject of the controversy were also discussed. In view of the little support which was expected from New York, the committees expressed an earnest desire that the Governor would not blame them for taking such measures as they should think most conducive to their safety; but, on the contrary, would admire the fortitude and loyalty which had induced them, “so long and *unassisted*, to stem the impetuous torrent of disloyalty and oppression.” This communication, cogent in its reasons, direct in its conclusions, and accurate in its facts and details, was signed by Samuel Minott, the chairman of the town committees, and was entrusted to Major Jonathan Hunt, who was chosen an especial messenger to deliver it to Governor Clinton.

Having fulfilled his commission, Major Hunt proceeded to Philadelphia, and on the 23d of May subscribed an affidavit which was read in Congress, in which he declared his belief, founded on credible information, “that the assumed government of the New Hampshire Grants, called Vermont” was intending after the 1st of June following, “to put their laws into execution over the persons and estates of the inhabitants of the said ‘Grants’ and to exact from them an oath of allegiance to their pretended state.” He also stated that William Williams of Wilmington, who had formerly received a colonel’s commission from the Convention of the state of New York, who had been a member of said Convention and was now a member of the Assembly of Vermont, had informed him that the government of Vermont had re-granted lands which had been previously granted by New York, without consulting the rights or

interest of the first grantees, and had also disposed of large tracts to persons residing in Connecticut, and to certain continental officers whose petitions for land had been presented by Col. Roger Enos, a continental officer of that state.*

In view of this representation, and of other representations of a similar character, Congress on the 2d of June declared the conduct of the people of the "Grants," "in contravening the good intentions" of the resolutions of the 24th of September, and of the 2d of October, 1779, to be "highly unwarrantable, and subversive of the peace and welfare of the United States." At the same time the inhabitants of the controverted district were, by a special order, "strictly required to forbear and abstain from all acts of authority, civil or military, over the inhabitants of any town or district who hold themselves to be subjects of, and to owe allegiance to any of the states claiming the jurisdiction of the said territory in whole or in part," until the controversy, should be determined. Desirous no doubt of terminating internal dissensions of every character, Congress resolved to "proceed to hear and examine into, and finally determine the disputes and differences relative to jurisdiction," as soon as nine states, exclusive of those who were parties to the controversy should be represented. By a subsequent order, passed on the 9th, the second Tuesday of September following was fixed upon as the day upon which Congress would declare their final determination.†

At their spring session, the General Assembly of Vermont had, on the 15th of March, appointed Stephen R. Bradley, Moses Robinson and Jonas Fay, a committee "to enquire as soon as may be into the cause, and officially take the reasons why certain of the inhabitants of the county of Cumberland are opposed to the authority of this state, and wherein their grievances consist." Pursuant to this appointment, the committee, accompanied by Governor Chittenden, assembled at Westminster, and afterwards at Putney, "to attend on the Yorkers," and to "bring about a union with the Brattleborough committee," of which Samuel Minott was chairman. However well-intentioned this measure might have been, it does not seem to have been followed either by a compromise or by any kind of

* George Clinton Papers, in N. Y. State Lib., vol. ix. docs. 2856, 2865. MS. Affidavit of Jonathan Hunt.

† Journals Am. Cong., iii. 462-465. Broadside, in Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 34.

a permanent or temporary settlement. A similar result appears to have attended the negotiations of a like committee, who were directed to convene during the month of August at Westminster, at Putney, and at Brattleborough, "to settle with the Yorkers."*

The 1st of June, the time at which it was supposed the government of the new state would manifest its power by some decisive act, had come and gone, and no change in the administration of Vermont affairs had taken place sufficiently important to attract especial attention. To the New York adherents the hopes which they had so long cherished, not only that a decision would be made, but that it would be favorable to them, began to assume an appearance more fantastic than real. Knowing that they could not afford to lose all they had expended in this contest, and deeming it just that the state for which they had hazarded so much should reimburse them for expenditures made in her behalf, they presented to the New York Legislature, on the 12th of June, through Micah Townsend, a petition designed to accomplish this end. In it they referred to the disaffection which had led to the establishment of Vermont as an independent jurisdiction; to the efforts which had been made by the Legislature of New York to prevent the disaffection from becoming general, which efforts had resulted in a resolve, passed in February, 1778, by which the faith of the state was then pledged "to concur in the necessary measures for protecting the loyal inhabitants of this state residing in the counties of Albany, Charlotte, Cumberland, and Gloucester, in their persons and estates;" to the constancy which many of the residents on the "Grants" had exhibited in continuing allegiant to New York; to the earnest endeavors which had been made by these "loyal subjects" to obtain the protection of government; to the ill success that had attended their efforts; and to the persecutions they had endured in the shape of fines, imprisonments, and the confiscation of property. Resting their claim on these considerations, they declared that the Legislature were bound in equity to make compensation for the injuries they had received, and expressed a hope that their petition for such compensation would be answered. A request so reasonable as this could not, it would seem, have met with a refusal; but considerations more pressing in their nature were continually demanding the attention of the Legislature, and it was not until

* MSS. of the Hon. Stephen R. Bradley.

several years had elapsed that this application, and other applications resembling it, were treated to a final and definitive answer.*

On the 16th of June, Governor Clinton replied to the communications he had received from Samuel Minott in behalf of the town committees, and entrusted his letter and other important papers to the care of Major Hunt, who, on his way home from Philadelphia, had stopped at Kingston, where Clinton then resided. With reference to the resolves of Congress he professed his faith in the truth of the statements they contained, and made no doubt that the instant there should be a full representation in Congress, and the public affairs should with propriety permit attention to be paid to the subject of the controversy, it would "be put in a course of decision." Notwithstanding his own convictions, he did not endeavor to conceal from himself or his friends the probability existing that the Vermonters would not heed these resolves. "Should your neighbors," wrote he, "in contempt of the authority of Congress, and at the hazard of the welfare of the whole confederation, by embroiling its members in a civil war at this crisis, still persevere in their usurpations, I must recommend it to you not to submit voluntarily, but at the same time, that in your resistance you will be guided by prudence, reflecting that the whole force of all the states will not only be shortly called forth, but will be necessary to ensure success to the great intended operations against the common enemy; and consequently, that, however at another time it might be in our power, and at all times my sincerest desire, to relieve and protect you, yet that in the present conjuncture the power of the state must be directed to another, and I feel assured your own candour will induce you to admit, a more important, object." In another part of his communication, he informed Mr. Minott, that complaint had been made to him, when at the northward, that the subjects of New York, resident in Cumberland county, were living "totally exempt from public burthens." While declaring his disbelief in the charge, he still expressed a wish that "even the appearance of a cause might be removed," and therefore recommended the formation of a company of soldiers in the "well-affected towns," to serve for

* Doc. Hist. N. Y., iv. 1008 1004. Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 35.

three months from the middle of the approaching July. He further proposed, that the men thus raised should be attached to the levies required of New York to serve with the continental army, "in the intended operations against the enemy in the southern parts of the state," and named Fishkill as the place to which they should repair as soon as embodied. At the same time he expressed his willingness that the soldiers—provided such was their wish—should be stationed at Skenesborough, now Whitehall, that they might be nearer to their families and homes. In a letter to Col. Eleazer Patterson, of the same date, he enclosed commissions for several officers who had been recently appointed, and expressed the hope, provided the project of raising men for the army in the "well-affected" towns should appear practicable, that Patterson would lend his "best exertions" to carry it into prompt execution.*

Although the subjects of New York in Cumberland county were at all times ready to serve that state in a civil or military capacity, they did not consider themselves bound to perform similar duties for Vermont. It chanced therefore, that when Comfort Star, captain of the first militia company in Guilford connected with the first Vermont regiment, in pursuance of an act of the General Assembly and in obedience to orders from his colonel, directed his company to convene at their usual place of parade on the 25th of April, and on their assembling, selected Josiah Bigelow and Peter Briggs to serve in the state guard until the 1st day of January, 1781—it chanced then, that both of the men drafted, refused to join the troops they were detached to serve with, and declined to pay the fine required of them by statute as the punishment for such neglect. Thereupon, by order of the Hon. Moses Robinson, the Chief Judge of the superior court, process was ordered against the delinquents. Dr. Daniel Rood, of Putney, an "indifferent person," served the summons on Briggs, on the 7th of June, by leaving an attested copy of it at his dwelling. With Bigelow he did not succeed as well. Having first attempted to read the summons, he was ordered out of the house with hard words. On the second essay, he was not only treated in a similar manner, but was driven out of doors by Bigelow, who with one fist in the Doctor's face, and the other at his side, emphatically declared, he "should take it," if he attempted to read the summons.

* George Clinton Papers, in N. Y. State Lib., vol. x. doc. 2981.

After several efforts of this nature, "being impeded by the position and words" of Bigelow, Rood delivered the summons verbally and favored the contumacious Yorker with an attested copy of the same. At the trial before the superior court, judgment was rendered against the delinquents, and each was sentenced to pay a fine of £108, together with the costs of the trial.*

The proposition made by Governor Clinton, that a company should be formed in Cumberland county for the continental service, was favorably received, and measures were immediately taken for carrying it into execution. From every twelve or thirteen men, one man was selected to serve as a soldier, and his expenses were borne by those from whom he was chosen. Col. Samuel Wells, of Brattleborough, rendered valuable assistance in forwarding the project, and even went so far as to hire a man at his own expense. In announcing to the Governor the success which had attended these efforts, Micah Townsend, in his letter of the 19th of July, did not fail to mention the little difficulties with which he and his friends had been obliged to contend. In order to avoid any misunderstanding in the future, he recommended to the Governor that the state should advance a small amount of money for the benefit of the company, even though Congress should refuse to sanction the expenditure, rather than that the soldiers should be rendered "uneasy," by being fed on expectations alone. Col. Eleazer Patterson, in reference to the same subject, informed the Governor, on the 20th of July, that he and the officers of his regiment had spared no exertions to procure a company of fifty men, and that the reason why this number was not yet fully completed, was the "peculiar situation" of the friends of New York, and not a "want of sufficient exertion" on the part of those to whom the business of enlisting had been entrusted, or of "spirit in the people."

In his reply of the 16th of September, Governor Clinton exhorted the Colonel and those associated with him, to adhere to the course they had taken. That their military organization might be in accordance with the laws of the state, he announced to them the necessity of being properly armed and accoutred, and of being provided with ammunition. He expressed full confidence in their loyalty to New York and the United States,

* MS. Papers in the Office of Clerk of Rutland Co., Vt.

and declared his belief that they would make use of every means in their power to render their recruits military and effective men.*

During the summer of this year, suspicions had been entertained that the principal men interested in the government of Vermont, were engaged in negotiations with the British in Canada, but as to the correctness of the suspicions or the nature of the negotiations nothing could be determined. By September, these suspicions had increased to such an extent that they were regarded by many as facts. Fears were also prevalent that the enemy were about to make an incursion into Vermont, for the purpose of reducing it to a British province. Depositions containing information to this effect, were attested by Benjamin Butterfield and Jonathan Church, inhabitants of Cumberland county. The statements made by these gentlemen, were based partly on hearsay and rumor, and partly on conversations which they had held with persons who had seen scouts who had removed from Cumberland county and joined the British in Canada. These depositions, which were taken at the instance of the New York adherents, were transmitted to Governor Clinton for his perusal. Accompanying them was a communication of the 11th of September, signed by the deponents, also by Col. Eleazer Patterson, Lieut.-Col. John Sergeants, Capt. Timothy Church, and several private gentlemen, recommending the appointment of a committee "invested with some degree of authority," whose duty it should be to watch such of the inhabitants of the county as might be suspected of conspiring with the British against the Americans, and report their names to the proper authorities. Although this proposition was well received by the Governor, he was prevented by political reasons from acting on its suggestions. Under these circumstances he substituted counsel for action. "I can only advise," said he, in his letter of October 3d, "the present civil and military officers to vigilance and faithful exertion of the authority they are vested with, and would fain hope they will, in this case, be able to defeat the designs of our secret enemies." He also reminded his friends that any person who had joined the enemy, and who should be found lurking secretly in the county, was triable by a general

* George Clinton Papers, in N. Y. State Lib., vol. x. docs. 8081, 8085: x. 3224.

court-martial as a spy, and subject to capital punishment; and, further, that any person who should "knowingly harbor or comfort" a spy was guilty of a misdemeanor of the highest nature. That the suspicions which gave rise to these precautions were partly founded in truth, there is now no doubt. The vague reports which were then floating among the community, springing from no very responsible source, and exaggerated by transmission, were the precursors of that diplomatic correspondence which for more than two years was carried on between Frederick Haldimand on behalf of the British, and Thomas Chittenden on the part of Vermont, and which gave foundation to innumerable stories subversive of the ideas which had hitherto been entertained of the loyalty of Vermont to the cause of America.*

In conformity with the expressed determination of Congress to adjudicate fairly upon the conflicting claims to the "Grants," the new state's men had already appointed their agents to appear at Philadelphia, and other parties interested in the controversy were prepared to follow their example. Fearing lest the New York delegates should be remiss in their duties, the subjects of New York resident in Cumberland county met on the 30th of August and appointed Luke Knowlton their agent to attend at Philadelphia, at their own expense. By order of the county committee of which John Sergeants was then chairman, he was furnished with a recommendatory letter to Governor Clinton, in which he was described as a gentleman of "penetration and probity," who had resided in the county since the beginning of the disturbances, and was therefore prepared either to refresh the memories of the delegates, or to acquaint them with such circumstances, as had not yet come to their knowledge. On the 12th of September, he was provided by Clinton with an introductory letter to the New York delegation, and thus equipped he arrived in Philadelphia. Hopes were now entertained that the long drawn controversy would be decided. The interview between the parties interested and Congress, was opened on the 19th of September, by the presentation of documents detailing the different views which were entertained on the subject under consideration, and the circumstances upon which they were founded. In this manner the reference was conducted for two or three days, when, the agents from Vermont

* George Clinton Papers, in N. Y. State Lib., vol. xi. docs. 3214, 3250.

becoming satisfied that partial modes were pursued, and ex-parte evidence presented and received, withdrew from the assembly, and, on the 22d, sent in to Congress a remonstrance against their proceedings. On the 26th, Knowlton notified to Congress that the expensiveness of living and the sickliness of the place, would render it "very disagreeable" for him to remain longer in Philadelphia, and returned home. These events, combined with the doubts which had been excited in the minds of many of the members of Congress as to the validity or invalidity of the differing claims, rendered a postponement of the hearing extremely desirable. This end was accomplished by a resolve to that effect, and thus was a decision avoided, which could not have been announced in any form without exciting ill feelings, whose results would have been visible in compromising the strength of that union which bound the states together, and which gave them a power that would have been weakness itself had they been divided.*

Considering the exposed situation of the northern frontier of Vermont, it had long been a matter of surprise and congratulation that the British and Indians had not more frequently improved the many opportunities which were open to them of attacking the settlers and pillaging their fields and dwellings. This apparent forbearance, so far from arising from any praiseworthy motive, was caused by the many difficulties which the enemy knew it would be necessary for them to encounter in reaching the settlements. But the intervention of steep mountains and pathless forests did not afford complete exemption from attack. On the 9th of August, a party of twenty-one Indians visited the town of Barnard, and made prisoners of Thomas M. Wright, John Newton, and Prince Haskell. These men were subsequently carried to Canada, whence the two former escaped in the spring following. The latter was exchanged after being for more than a year in captivity. While prisoners they suffered many hardships, which differed only in kind from those they endured during their return journey. David Stone of Bethel was also captured at the same time, by the same party. When the settlement of Bethel was begun in the fall of the year 1779, a small stockade fort had been built by the inhabitants of the town for their protection. It stood at the lower end of the west village, on the north side of White river, and its garrison,

* George Clinton Papers, in N. Y. State Lib., vol. x. doc. 3181: xi. 3215. Journals Am. Cong., iii. 518-521, 526, 534.

which had been removed from Royalton, was commanded by Captain Safford. On the occasion of this incursion, it rendered no effectual service in behalf of the inhabitants. Immediately after the attack, the inhabitants of Barnard called a town-meeting, and resolved to build a fort. Benjamin Cox was chosen captain and a message was sent to the Governor for a commission. As soon as the fact of the inroad was known, several companies of soldiers from different parts of the state set out for Barnard, but before they arrived there, the enemy had departed, and the work of defence was almost completed. The fort was known as Fort Defiance, and at times was occupied by a garrison.*

But the sorest trial was yet to come. In July, 1776, an American officer, a certain Lieut. Whitcomb, while out with a scouting party on the river Sorel, had mortally wounded Gen. Gordon, a British officer, as he was riding between Chambly and St. Johns, and had taken from him his sword and watch. The British had long desired to avenge this act, which they regarded as base and villanous, resulting wholly from a desire of plunder, and totally unworthy of an officer. To capture Whitcomb was, with them, a controlling motive. Expecting, it is supposed, that they should find him at Newbury on Connecticut river, an expedition was planned against that town. Of the two hundred and ten men† who were engaged in it, all were Indians, with the exception of seven white men who were refugees and tories. In the beginning of October, the party, under the command of Horton, a British lieutenant, and one Le Mott, his assistant, started on their mission of plunder and revenge. Their guide, whose name was Hamilton, had been made prisoner by the Americans at the surrendry of Burgoyne, in 1777. He had been at Newbury and Royalton during the preceding summer, on parole of honor; and having left the latter place with several others, under pretence of going to survey lands in the northern part of Vermont, had gone directly to the enemy, to whom, no doubt, he communicated such information as served to assist them in executing their barbarous intentions. While proceeding up Onion or Winooski river, they fell in, near the spot where Montpelier now stands, with two white men engaged in hunting, who informed them that the people of New-

* Vermont Gazetteer, ed. 1824, pp. 53, 64. MS. Letter.

† Williams says 210; Thompson, "about 300."

bury had been expecting an assault from their enemies in Canada, and were well prepared for defence. The information, whether true or false, had the effect to divert them from the primary object of the expedition, and to turn their attention towards Royalton.

This town had formerly been defended by a small garrison, but unfortunately the soldiers had a little while before been removed seven or eight miles westward to Capt. Safford's fort in the town of Bethel, and the inhabitants were now entirely destitute of the means of defence. On reaching the mouth of Stevens's branch, the enemy passed through the town of Barre to Jail branch, which empties into Stevens's branch; and, after proceeding up this stream for some distance, crossed the mountains in Washington and Orange counties; and striking the first branch of White river, followed it down through Chelsea, and encamped at Tunbridge, where they remained during Sunday, the 15th of October, engaged, no doubt, in maturing their plan of attack. Leaving a strong guard at this place, they advanced the next morning before daybreak towards the more settled parts of Tunbridge, and commenced depredations at the house of John Hutchinson, which was situated in Tunbridge, but adjoined the line of Royalton. Having made Mr. Hutchinson and his brother Abijah prisoners, they plundered the house, crossed the first branch of White river, and proceeded to the dwelling of Robert Havens in Royalton, which was not far distant. Mr. Havens, who had gone into his pasture, becoming aware of danger from the barking of the dogs, and beholding at the same time, a party of Indians entering his house, lay down under a log and escaped their notice. His son, Daniel Havens, and another young man, Thomas Pember, who were in the house when the enemy approached, endeavored to escape by flight. Havens succeeded in throwing himself over an adjacent hedge, and, being protected by the bushes, crept down the bank of the stream and concealed himself beneath a log, over which the Indians passed a few minutes afterwards, as they pursued with impetuous haste their escaped prey. Coming up with Pember, one of them aimed at him a spear, which, striking him, inflicted a severe wound. He still continued running, but, becoming faint with the loss of blood, was soon overtaken, killed, and scalped.

Having selected Mr. Havens's house as a deposit for their baggage and a post of observation, a portion of the party were left

there as guards, while the main body again set forth to complete the work of destruction. On their way they overtook Elias Button, a young man, who endeavored to avoid them. But the indians—fleet of foot, and savage by the scent of blood—rendered his attempts useless, and his body was left by the roadside, weltering in its gore. Advancing silently and with great caution, they next entered the dwelling of Joseph Kneeland, which was about a half mile distant from Havens's. Here they made prisoners of Kneeland and his aged father, also of Simeon Belknap, Giles Gibbs, and Jonathan Brown. Carrying devastation in their train, they finally reached the mouth of White river branch, where they made a stand, and dispatched small parties in different directions to plunder the dwellings and bring in prisoners. They had already stolen a number of horses, and, thinking to facilitate operations, they now mounted them, and endeavored to control them by yells and shouts. The horses, unused to such riders, were rendered more and more unmanageable by the frenzied cries of the Indians, and served essentially to impede the execution of their plans. The alarm had now become general, and the frightened inhabitants, flying in every direction, sought such places as might afford a refuge from the barbarity of their pursuers. As a detachment of the enemy were passing down the west bank of White river, they were perceived by one of the inhabitants, who immediately gave notice of their approach to Gen. Elias Stevens, who was working in a field about two miles distant from his house. Unyoking his oxen, he turned them out, and mounting his horse started up the river. He had gone about a mile in the direction of his dwelling, when he was met by Capt. John Parkhurst, who informed him that the Indians were in full pursuit down the river, and counselled him to turn back. Fearing for the safety of his wife and children, yet aware of the imminent danger which threatened himself, Stevens changed his course, and retraced his steps, in company with Parkhurst. On reaching the house of Deacon Daniel Rix, Stevens took Mrs. Rix and two or three children with him on his horse; Parkhurst performed the same kind office for Mrs. Benton and a number of children, and, with all the care and attention of which the occasion allowed, the party rode off to the field where Stevens, had first received the alarm, being followed by Deacon Rix and several other persons on foot.

On reaching this spot, the women and children were left in charge of a Mr. Burroughs, while Stevens, full of concern for

his family, again set out for his home. He had gone about half a mile when he discerned the Indians approaching. As they were but a few rods distant, he instantly turned about, and coming up with the company he had left, entreated them to take to the woods immediately. Following his advice they were soon concealed in the neighboring thicket, where they remained undiscovered by the foe. Passing down the road a half mile further, Stevens came in sight of the house of his father-in-law, Tilly Parkhurst. Here he found his sister engaged in milking, and entirely unconscious of the approach of the foe. Telling her to "leave her cow immediately or the Indians would have her," he left her to secure her own retreat. By the time he had gained the house, the Indians were not more than eighty or an hundred rods in the rear. Fear had so taken possession of the half-crazed inhabitants that it was impossible to persuade or compel them to take refuge in the woods. Choosing the road, they kept it as well as their terrible fright and exhaustion would allow until they reached the house of Capt. E. Parkhurst in Sharon. Here they halted for a few moments, but their pursuers appearing in sight, they were compelled again to push forward in order to escape impending destruction. The few horses which the terrified inhabitants had succeeded in securing, could not carry but a small portion of those who had now assembled, and there was but little time for consultation or suggestion. Placing his mother and sister upon his own horse, and Mrs. Rix and her three children on another, Stevens bade them ride on with all possible speed, while he should follow with several others on foot. Mrs. E. Parkhurst and her children who were left at the house, expected nothing but instant death from the hands of the enemy. On their approach, however, having taken her eldest son prisoner, they ordered her and her five children to leave the house. Obeying these commands, she fled to the woods and there remained in safety until the foe had left the place.

Soon after Stevens had started with those who were on foot, his dog coming in his way caused him to stumble, and so impeded his progress that he was obliged to take to the woods to save his life. The Indians pursuing with frightful yells, the unprotected pedestrians who had been so unfortunately deprived of their protector, soon overtook them. But the enemy were too intent on plunder to be impeded by a great number of captive women and children, and of this company Gardner

Rix, a boy about fourteen years old, was alone made prisoner. Approaching the house of Mr. Benedict, and having noticed him on the opposite side of a small stream which flowed near by, the Indians beckoned to him to come over to them. Instead of seconding their wishes, he quietly stole away and secreting himself under a log, remained in safety till the danger had passed. While in this situation, the enemy in pursuit of him were at one time standing on the very log which gave him concealment, and he learned by their conversation that they were resolved to tomahawk him should they find him. After going down the river about forty rods further, and capturing a young man named Avery, they concluded to return. Coming to the house of Tilly Parkhurst, situated about six miles from the place where they entered Royalton, they fired at his son, Phineas, who had just returned from the east side of the river, whither he had been to spread the alarm. The ball entered his back, and passing through his body lodged in the skin in front. Notwithstanding the wound, being able to ride, he pursued his course towards Lebanon, New Hampshire, distant sixteen miles, and reached that place in safety, having during the whole journey been obliged to support the ball between his fingers to prevent irritation.

The Indians who went down on the east side of the river, having gone as far as the house of Captain Gilbert, in Sharon, made captive his nephew, Nathaniel Gilbert, and set out on their return. As they retraced their steps, they fired every building within sight, devastated fields, destroyed cattle, wasted the garnered crops, and spread desolation and destruction with unsparing hand.

Daniel Havens—whose escape has been already mentioned—as soon as the savages had gone, ventured from his hiding-place, and coming to the house of General Stevens, gave notice that the Indians were “as thick as the devil,” and left the family to their fate. A boy named Daniel Waller, who lived at the house, hearing that the Indians were coming, started immediately to bear the information to the General, but had proceeded a short distance only when he was met and captured by the foe. Mrs. Stevens, who had received the first intimation of their approach from the terrified Havens, had but just arisen from bed with her infant in her arms, when the third party who had gone up the river entered the house. Having searched the dwelling for men, but without success, they car-

ried the beds out of doors, and, cutting them open, threw the feathers in the air and amused themselves by watching their eddying convolutions. After plundering the house, they bade Mrs. Stevens "be gone or they would burn." Glad of an opportunity to escape, she hastened with her child to the adjacent woods, where she remained until the enemy had left the town. After firing the dwelling and barn they passed up the river as far as Mr. Durkee's, where they took two of his sons, Adam and Andrew, prisoners. Attracted by a smoke, they directed their course towards it, and finding a young man, named Prince Haskell, busily engaged in clearing land for a settlement, added him to the number of their captives.

At the house of Elias Curtis they took him and Peter Mason prisoners, and commenced the work of plunder. While thus engaged, John Kent rode up to the door, intending to get his horse shod, but had scarcely dismounted when he was seized by the hair of his head and pulled violently over, backwards. A man named Chaffee who was approaching, seeing that Kent had been taken, jumped from his horse, and by pursuing a course which enabled him to use a blacksmith's shop to cover his retreat, effected his escape. He immediately set out for the house of Mr. Hendee, where he lived, and on reaching it gave notice of the on-coming danger. Hendee, having directed his wife to take her little boy about seven years old, and her daughter still younger, and hasten to the house of a neighbor, started to go to Bethel for the purpose of giving the alarm at the fort. Mrs. Hendee had not proceeded far when she was met by a party of Indians who deprived her of her son. Anxious for his fate she asked what they intended to do with him. They told her they should "make a soldier of him," and then hurried him away, while the weeping mother listened to his cries for help, as he vainly endeavored to free himself from the grasp of his savage masters. Having returned to the house of Mr. Havens with their prisoners and plunder, they divided the latter between the different members of the party, and, having set fire to the house and barn, started for Canada, between two and three o'clock in the afternoon. Crossing the hills in Tunbridge, lying west of the first branch of White river, they proceeded to Randolph, in which town they encamped on the banks of the second branch of White river, having gone the distance of ten miles.

As the attack had been so sudden and unexpected, the

inhabitants had not only been unable to combine for resistance, but had in many cases, through terrible fear, failed to exert the ordinary means of self-preservation. So many hours had now passed since the first appearance of the Indians, that the alarm had spread far and near, and had caused the most intense agitation. As the news was borne through the villages that border the banks of the Connecticut, the bold father and the impetuous son, the hired laborer and the flourishing farmer, all who could be spared with safety, left their firesides and homes without further warning, and marched directly to the scene of plunder and devastation. By evening several hundreds of resolute men had collected at the place where the attack was first commenced, ready to adopt such measures as the emergency demanded.

Here a company was organized, and Col. John House, of Hanover, New Hampshire, who had served several campaigns in the continental army, was chosen commander. In the darkness of midnight, through a waste wilderness, "guided by a few marked trees amidst the logs, rocks, and hills, with which the country abounded," this undisciplined corps began their march in quest of the savage army. Continuing their pursuit with ardor, they reached the spot where the last houses had been destroyed, and, becoming aware that they were approaching the enemy, proceeded with more caution. The Indians had placed their sentries nearly half a mile in the rear of their encampment, at a spot situated a few rods from the river. Near this spot was a small hill, and by the side of the adjacent path stood a number of large trees behind which were posted the Indian guards. A large log was the only bridge provided for crossing the river, and this served for foot-passengers only. Some of House's men were mounted, others were on foot, and their precarious situation at the river rendered it necessary for them to observe the utmost circumspection. The front guard passed the log and the Indian sentries in safety. About one third of the main body had crossed the stream, and the van had arrived within a few yards of the enemy's guards, when they were fired on from behind the trees and one man was wounded.*

* The person wounded on this occasion was Charles Tilden. He was a resident of Dresden, a certain district in New Hampshire, belonging to Dartmouth College, which was then known by this name. Among the MSS. in the office of the Secretary of the state of Vermont is a petition for a pension, signed by Charles Tilden, dated January 30th, 1782, in which it is stated, "that on the

The fire was returned by the Americans. One of the Indians was killed and two were wounded. The sentries then left their ambush and ran off to the Indian camp, while House's men advanced a little further and then formed themselves within three hundred yards of the enemy's rendezvous and awaited the approach of day. "Great consternation," observes Williams, "now prevailed among the savages. Much fatigued, and in a profound slumber after one of their ravenous suppers, the alarm filled them with fear and confusion." But they were not deficient in stratagem, nor destitute of policy. Taking one of their prisoners named Kneeland, an aged man, they sent him to the Americans, with the information that the Indians would instantly put all the captives to death, should an attack be made. To Giles Gibbs and Joseph Kneeland the rage of the savages had already proved fatal. The former, expecting that his friends would relieve him and his companions, had refused to march. He was afterwards found with a tomahawk buried deep in his head. The latter was killed and scalped to avenge the death of the Indian who had been shot by the Americans. As soon as the old man, Kneeland, had been sent to the camp of the pursuers, the Indians renewed their flight with the utmost expedition, leaving at their encampment, a large quantity of the plunder, and nearly all the horses they had taken. Having placed their best warriors in the rear to cover their retreat, they crossed White river, early on the morning of the 17th, proceeded up the west bank, and having made prisoner of Zadock Steele, who resided in the north part of Randolph, passed through the west part of Brookfield, and on reaching Berlin encamped on Dog river, not many miles from the place where the capital of the state is now located. To secure the captives more effectually at night, a rope was passed around their bodies as they lay upon the ground, and between each of them and upon the rope was placed an Indian. By this device no two of the prisoners were allowed to lie together, and attempt at escape was rendered useless.

alarm when Royalton was destroyed in October, 1780, he served as a sergeant in the company of militia under the command of Capt. Sam. McClure, in pursuit of the enemy, and being detached with a reconnoitering party fell in with, and was fired on by the enemy's guard, by which he was wounded, by receiving a poisoned ball through his arm, by which he was rendered unable to do any kind of business for two months; that he was the only person wounded in the party who pursued the enemy on this occasion," &c.

Continuing their course down Dog river, the party struck Onion river, along which they passed until they reached Lake Champlain on the 20th. Here the Indians found the batteaux in which they had come on their march to Royalton. Embarking in these, they with their captives commenced their journey down the Lake, and after stopping at Grand Isle and the Isle aux Noix, reached St. John's on the 22d, having been nearly seven days on the route. On the following day the captives were taken to Caughnawaga, where many of them were temporarily adopted by the Indian families resident at that place. After remaining in this condition for a few weeks, they were taken to Montreal in the latter part of November, and were there sold to the British as prisoners of war "for a half Joe" each. Of the twenty-five who were carried away, one, Adam Durkee, died while in captivity. Twenty-three were exchanged or redeemed, and returned to their friends during the ensuing summer. The remaining prisoner, Zadock Steele, after enduring a long confinement and being subjected to many hardships, finally effected his escape, and reached the home of his parents in Ellington, Connecticut, on the 17th of October, 1782, just two years from the day on which he was taken by the Indians at Randolph.

After receiving the message from the Indians in which they declared that they would destroy their captives should an attack be attempted; House and his men determined to abide where they were until morning. It was then discovered that the enemy had left their encampment. Notwithstanding this discovery, the company marched about five miles further to Brookfield. Finding all things quiet at this place, and judging that pursuit would be useless, they retraced their steps and returned to their homes. In commenting upon the conduct of House and his men, Williams observes, they "lost the opportunity of attacking the enemy to advantage, by their caution and delay." In his account of the "Burning of Royalton," Steele remarks of House, "had he possessed courage and skill adequate to the duties of his station, he might have defeated the enemy, it is thought, without the least difficulty, and made them all prisoners." To one acquainted with the facts as they have been transmitted by those who have written on the subject, these conclusions appear to be far from just. Conversant with the Indian character; aware, that to a savage the name of foe is a warrant for any deed of cruelty; satisfied that

in the present instance, nothing would be spared by the enemy to prevent a defeat in case an attack should be made ; and unwilling that the captives should be sacrificed through any vain desire of his own for a victory, which to say the least, he was not sure of gaining, House refused to lead his men in a contest, whose result would have been the certain murder of twenty-five persons, and, without doubt, the slaughter of many of his own men. We are told that

“The better part of valor is—discretion.”

Judged by this maxim, Col. House at once assumes the character of the prudent soldier. Viewed in the light of a noble humanity, his conduct appears in the highest degree praiseworthy and magnanimous.

Upon a review of the losses of the day, it was found that the Indians had burned one house in Tunbridge, two houses in Sharon, twenty-one in Royalton, several in Randolph, and sixteen new barns variously located, which were filled with hay and grain ; that they had slaughtered about one hundred and fifty head of neat cattle, and all the sheep and swine they could find ; and had destroyed all the household furniture which they could not take with them. As on other occasions, so now, their attachment to devastation and plunder was unabated. The packs with which they laded their captives on their retreat from Royalton, were filled with plunder of every kind. Axes, hoes, pots, kettles, shovels, tongs, sickles, scythes, and chains were mingled in almost inextricable confusion ; and the backs of many of the party supported old side-saddles, bed-ticks, warming-pans, plates, looking-glasses, frying-pans, spiders, and many farming implements—as well as household utensils. In their conduct, the Indians in this inroad displayed less of the savage character than is usual on such occasions. As a general rule they were eager to take as captives the young men and those who were in middle life ; but they did not seem desirous either to carry off the women or female children, or to commit violence, except in extraordinary cases. After they had burned the house of John Hutchinson, they evinced a kind of savage satire, by giving his wife a hatchet and a flint, together with a quarter of mutton, and bidding her “go and cook for her men.” On reaching the dwelling of Elias Curtis, they broke into his wife’s apartment, and having discovered Mrs.

Curtis who had just arisen, for it was yet early morning, one of the Indians seized her by the throat, and brandishing a large knife was apparently intending to destroy her, when his attention was arrested by a string of gold beads which she wore about her neck. More avaricious than cruel, his knife descended only to part the string on which they were collected, and Mrs. Curtis, although no Romanist, was actually saved by her beads.

During the destruction of Royalton, two women who had been aroused from sleep by the appearance of a number of the Indians, who entered their dwelling in the grey of morning, were so much terrified at the sight, that losing for a time their self-command, they went out of doors, clad only in their night garments, and stood motionless by the side of their dwellings until the Indians brought them their clothing. Aroused from their stupor of fear by this act of kindness, they put on their apparel, and, taking two or three small children and a young woman with them, fled to the woods. One woman residing in the western part of the same town, was sufficiently courageous to reproach the savages for their conduct in distressing females and children, and in a taunting manner, told them, that "if they had the spirits and souls of men," they would cross White river, and attack the fort at Bethel. They bore her remarks with patience, their only reply being, "Squaw should not say too much." After plundering one of the houses, the Indians had carried the pillage and piled it in a heap before the door. As they stood around it, selecting such articles as they liked best, a woman chanced to espy her gown amid the mass, and forthwith took it. Upon this an Indian, who claimed her as his captive, clubbed his gun and knocked her down. Recovering from the effects of the blow, she waited till her master had carried the gown to another heap, and had become engaged in adding to the plunder already collected. She then approached the pile which was surrounded by the savage crowd, and seizing her gown the second time, succeeded in bearing it away, holding at the same time, one child in her arms, and leading another by the hand.

But the exploits of Mrs. Hendee mark her as the heroine of the occasion. After the attack had been made upon her husband's house, she, by his advice, started for a neighboring dwelling with her little boy and girl. While on the road she was met by a party of Indians who took her son, but left her

daughter with her. Possessing "uncommon resolution, and great presence of mind," she determined to rescue her son from the hands of his captors. Taking her little girl by the hand, she proceeded down the river on foot, until she discovered a large body of Indians stationed on the opposite shore. Wishing to find the officer in command, she set out to cross the river, and was preparing to ford the stream, when she was met by an Indian who by signs asked her whither she was going. Having made known to him her intentions, he in a fit of good humor or gallantry, or perhaps both, offered to take her over on his back. She refused his proposal, but allowed him to carry her child. The little girl protested against this proceeding, declaring that "she didn't want to ride the old Indian," but becoming reconciled to her steed, the three entered the water. They had gone nearly half across the stream, when the current becoming more rapid, the polite Indian in order to reassure Mrs. Hendee, patted her on the shoulder, and signified to her his readiness to assist her to the other side when he had taken her child over, provided she would wait upon a rock near by, whose surface was above the water. This time she did not reject his offer. Clambering up on the rock, she there remained until he returned. True to his word he then took her pick-back, and carrying her to the other side, landed her as he had her daughter, in safety.

Hastening to Horton, she implored him to restore her child. She was informed that he would not be hurt, but with others would be trained as a soldier. Ill satisfied with this reply, she continued her pious importunity, until the British lieutenant assured her that he would release him. On the arrival of the company in whose charge the boy had been placed, Horton prevailed on the Indians to give him up to his mother. Having been successful in this undertaking, she endeavored to procure the release of some of her neighbors' children. At this juncture, she was compelled by the cruel threats and actions of one of the savage party, again to relinquish her son. A second time did she appeal to Horton for aid, and again succeeded in liberating her offspring. She now set out on her return, having in her charge her own little girl, and eight boys, whose freedom she had obtained. On reaching the stream, Mrs. Hendee carried two of the children across it on her back, one at a time, as she a little while before had been borne by the Indian. The rest forded the river together, their arms being placed around

each other's necks, that they might the better withstand the force of the current. She was welcomed with great joy on her return, and for many years after lived to receive the oft-repeated thanks of those whose children she had been the instrument of releasing from a captivity whose terrors were akin to the terrors of death.

During the succeeding winter, the sufferers by this sad calamity, found a shelter in the homes of their more fortunate neighbors and friends, and experienced a sympathy which was peculiarly grateful to them, when compared with the treatment they had received from the savage foe.*

Warned by the destruction of Royalton, the inhabitants of Cumberland county assembled in their respective towns to take measures for the promotion of the common safety, and the more effectual protection of the settlements. The result of these meetings was an understanding that every able-bodied man should hold himself in readiness at a minute's warning, both for particular and general defence. In the midst of these proceedings the community were alarmed by reports of the presence of hostile bands of Indians within the state. An excellent opportunity was now afforded for the exercise of that activity which had been declared essential to the safety of life and property. Not confined to the locality at which it began, the alarm pervaded the southern part of the county, and was the most extensive panic experienced in Vermont during the war.

The last day of October was glorious in autumnal beauties, and the bright sun, as he pursued his way through the cloudless heavens, glanced at the dying leaves of the ended summer, and tinged their changing forms with the hues of the rainbow.† Favored by the weather, a party of gentlemen were engaged in

* In a little work entitled "The Indian Captive; or a Narrative of the Captivity and Sufferings of Zaddock Steele," printed at Montpelier, in 1818, the hardships of one of the prisoners taken at the burning of Royalton, during a confinement of two years, are described by himself in a quaint and entertaining manner. From "An Account of the Burning of Royalton" prefixed to this "Narrative," many of the facts stated in the text, have been taken. Frequent reference has also been had to Williams's Hist. Vt., Ed. 2d, ii. 288-242.

† Thompson says, in one account, that this alarm occurred "a few days after the burning of Royalton;" in another, "on the 25th of November," and in a third, "on the eve of the last day of October," and in a note calls attention to a discrepancy in the dates. The date in the text rests on the authority of the researches of the Rev. Ephraim H. Newton, embodied in his MS. "History of the Town of Marlborough."

surveying the lands which border the margin of Grassy Brook, in the town of Brookline. While thus occupied, they were seen by some sportsmen who were hunting on Putney "West Hill." One of the latter, named Reed, who had often boasted of his ability to imitate the Indian war-whoop, took this occasion to display his peculiar vocal powers, and substantiated his vaunt by giving and repeating again and again the shriek of the savage, with an accuracy terrible as reality. Startled by the fearful sound, the surveyors collected their instruments, and made a precipitate retreat, announcing the approach of the Indians to all whom they met. Two men who were cutting wood in a remote part of the town of Athens, heard the shrill cries, and, imagining them to be the yells of Indians, quitted their work, and with true benevolence spread the alarm in all directions. The dread of the savage foe and the recollection of the fearful scenes which had been so lately witnessed gave rise to the most awful apprehensions. The idea of awaiting the appearance of the enemy was not for a moment entertained. To prepare for defence was deemed useless. Flight presented the only means of safety, and this means was instantly adopted by all who received the terrible tidings. The cattle were left in the stalls, dwellings were deserted, and the last look was taken at homes which, it was supposed, were never again to be recognised save in the ashes of their ruin. Women with their infant children mounted the few horses that were to be had, and rode off with desperate speed, leaving those who were more hardy to follow on foot. So frightful was the panic, that in some instances teams were left harnessed in the fields, ovens which were being heated were allowed to grow cool at leisure, and victuals which were being cooked were permitted to take their chances at the blazing hearthstones.* As the terrified inhabitants hastened their perilous flight, dangers seemed to thicken around them, and "to their bewildered imaginations every noise became the yell of the savage, and every rock and every tree of the forest a lurking place for the cruel foe."

During the pleasant day the "industrious inhabitants" of Newfane had been busily engaged in clearing land, and collecting in piles the brushwood and old logs, to be burned. As evening came on, lowering clouds began to gather, and soon the snow

* "Jonathan Perham and family decamped in such haste that they left their oven heating and their oxen tied to a tree." Thompson's Vt., Part III. p. 6.

commenced falling. The opportunity was favorable for completing the day's work successfully. The huge heaps were fired, and the diligent farmers heard with satisfaction the crackling of the dry boughs, and watched with pleasure the brilliant masses of light which flamed upward amid the thick black smoke. The fugitives from the supposed enemy, as they turned for a moment in their distressing flight, and gazed at the strange fires, which, seen through the falling snow, glared with unnatural and baleful splendor, were now convinced that the Indians had pillaged the deserted dwellings, and wrapped them in one common conflagration. The report was spread through the neighboring towns that "every log house in the pleasant vales and upon the heights of Newfane" and Athens had been destroyed, and the fearful question followed as to where the next blow would fall. In the more distant towns watches were set, dwellings were guarded, firelocks were loaded, ammunition was prepared, and means of escape were provided in case defence should fail. Sleep was a stranger to every eye, and the whole night was spent in expectation of the approach of the merciless foe.

The alarm having reached Dummerston, Captain Myrick sent a letter by express to Colonel Sargeants of Brattleborough, with the information that the enemy had reached Newfane. The energetic Colonel gave immediate notice to Mr. Stockwell, who resided in the eastern part of Marlborough, to call out the town militia for the purpose of repulsing the Tories and Indians. On the 1st of November, general orders were issued for the soldiers to rendezvous, and for the families to avoid the enemy as best they could. Companies from Westminster, Brattleborough, and Marlborough, were soon *en route* for the place whence the alarm had proceeded. The snow which had fallen during the night now lay deep upon the ground, and the trees were so heavily laden as to bend in every direction. Having gone three miles on the road to Newfane, the soldiers became satisfied that neither Tories nor Indians could so far surmount the obstructions which nature was so bountifully providing, as to extend their ravages, and forthwith returned home. Meanwhile companies from Halifax and from Colrain in Massachusetts, had assembled at Brattleborough, but, owing to the disbelief which began now to prevail in regard to the presence of the enemy, they proceeded no further. Others who had set out from points nearer to the supposed scene of terror, marched into a deserted town, and entered forsaken but unharmed houses, having found

nothing to hinder their advance save the deepening snows of a Vermont winter.

The alarm reached Marlborough in the afternoon of the day on which it began. Notwithstanding the severity of the storm, women and children left their houses, assembled near the centre of the town, and commenced their march south, headed by their pastor, the Rev. Gershom C. Lyman and his friend Col. Zadock Granger. Their progress was slow, and after advancing a few miles they were obliged to stop and obtain shelter for the night. Those from Athens who had fled east had received accessions to their number in their journey, and on reaching Putney, their party amounted to between two hundred and three hundred. Some of the sick and infirm had been brought a short distance, but the desire of personal safety had mastered the virtue of self-sacrifice, and they had been left at places which afforded shelter, and where they might, it was hoped, escape the notice of the foe. Having reached Westmoreland on the east bank of the Connecticut, the wearied and terror-stricken fugitives halted. On their way thither, they had paused for a moment at the dwelling of Noah Sabin Sen., in Putney, and had found him quietly engaged in his accustomed avocations. To him they related their tale of terror, but he discredited the story which they told and refused to be frightened by what he deemed improbable. Ever since the time when, as judge by the authority of the King, Mr. Sabin at the fatal occurrence of the "Westminster Massacre," had refused to act any other part than that which became a loyal subject of Great Britain, he had been considered an avowed adherent to the New York jurisdiction, and had been regarded by many as a supporter of the royal cause. His dignified calmness on an occasion like this, when fear gave wings to flight, aroused the suspicions of the fugitives. He was forthwith denounced as a friend of the national enemy, and the belief prevailed that a secret understanding existed between him and the Indians. Many were the curses which were heaped upon him as the angry multitude pressed onward to escape the dreaded foe and the man whom they now deemed no better than a Tory.

When the intelligence of the following day had dissipated their terrors, preparations were made for a return, but the snow of the night previous had blocked up the roads, which at the best were but poor, and had rendered them almost impassable. Overcome with toil and exposure, many of the sufferers were invited to enter the hospitable mansion of him who a few

hours before had been the object of their bitterest invective and abuse. Here they were furnished with food and clothing, and in other ways received such assistance as their necessities required. The effect of this kind treatment was to remove from the minds of all every idea of treachery on the part of Judge Sabin, and, though he might still favor the jurisdiction of New York upon the "Grants," he was never again accused of upholding the cause of Great Britain. The "brave soldiery" of Marlborough, when the alarm was proved groundless, "with undaunted courage pursued their wives and children," as the reverend chronicler, Mr. Newton, quaintly observes, "and bringing them in triumph as the fairest achievements and noblest trophies of victory, took possession of their dwellings, and exchanged the pursuits of war for the sweet enjoyments of domestic peace."*

* Thompson's Vt. Part II. pp. 70, 71: Part III. pp. 6, 111, MS. Hist. Marlborough.

CHAPTER XV.

ENEMIES WITHIN AND WITHOUT.

Attempts to unite in one District the territory in New Hampshire and Vermont bordering the Connecticut—Convention at Charlestown—Eastern and Western Unions—Cumberland and Bennington Counties divided—Boundaries of Windham, Windsor and Orange Counties—The County of Washington—Gen. Jacob Bailey—Col. Thomas Johnson—Johnson taken at Peacham—Sufferings of Jonathan Elkins—Treatment of Johnson—Alarm at Newbury—Elections in Windham County—Dissatisfaction of the Patriots of Rockingham with the Officers elected—Their Petition—Remonstrance from Dummerston—Law against Defamation—Alarm at Bethel—The “Hazen Road”—The Canada Negotiations—Popular Surmises—Opinions delivered in Conversations—Gov. Clinton writes for information—Seth Smith indicted for Treason—Citizens of Guilford address Gov. Clinton—The “Representation” of the New York Party—Proceedings in Congress, and in the New York Legislature—Smith discharged from his Indictment—Attempts to effect a settlement of Difficulties—Remonstrance from three of the southern Towns in Windham County to the New York Legislature—Convention of the same Towns—Vermont Militia Law—The Republic of Guilford—The Constancy of its Citizens to the interests of New York—William Shattuck—The Triumph of the Yorkers.

FAILING in their efforts to obtain assistance either at home or on the floor of Congress in resisting the demands of Vermont, the inhabitants of Cumberland county who owed allegiance to New York were now ready to adopt other measures for ensuring their personal and political safety. By a resolution of Congress passed on the 27th of September, 1780, the further consideration of the question respecting the jurisdiction of the New Hampshire Grants had been postponed; and the prospect of a settlement seemed, after the discussions of many months, to be no nearer than at the outset. At this juncture a majority of the inhabitants of the towns in the western portion of New Hampshire, expressed a wish to be received into union with Vermont. A proposition for the establishment of a jurisdiction of another character, was at the same time promulged by the New York adherents residing in Cumberland and Gloucester counties, and

a convention of town committees from the former county was called on the 31st of October. On this occasion Luke Knowlton, Hilkiah Grout, Oliver Lovell, Col. John Sargeants, Micah Townsend, Maj. Jonathan Hunt, Simon Stevens, Charles Phelps, Benjamin Henry, James Clay, Maj. Elkanah Day, Thomas Cutler and Barzillai Rice, were appointed a committee to take into consideration the feasibility of a new government, and to meet such persons as should be authorized to consult upon the same question by a convention or committee of the people of Gloucester county on the west, and Grafton county on the east side of Connecticut river. The design of Cumberland county in these proceedings, was "to devise and carry into execution such measures" as should be deemed best calculated "to unite in one political body all the inhabitants from Mason's grant on the east to the height of land on the west side the said river." The idea thus brought forward of establishing the western line of a new district at the ridge of the Green Mountains, manifested clearly the unwillingness of the New York adherents to acknowledge the jurisdiction of Vermont, provided they could ensure their own safety in any other way.*

Delegations from three counties having by previous agreement met on the 8th of November, at Charlestown, New Hampshire, measures were taken to learn the sentiments of the inhabitants residing in the towns included in the district which it was proposed to establish. Until the result of this inquiry should be declared, ultimate action was postponed. Desirous of engaging in the union, the towns in the county of Cheshire, New Hampshire, sent delegates to a meeting which was held at Walpole, on the 15th of November. On this occasion a committee of five were appointed to confer with gentlemen from any of the towns on the "Grants" on the subject of establishing the jurisdiction of that district. The result was a general meeting of representatives from the counties of Cumberland, Gloucester, Cheshire and Grafton. The project of a union of the towns bordering the Connecticut, in Vermont and New Hampshire, was freely discussed, and various arguments were alleged in support of the right to establish the territory designated, as a separate and independent state. That time might be given for reflection, and that the people—the source of power—might be consulted before any decisive step should be taken, letters were

* Slade's Vt. State Papers, pp. 122, 123, 124. Journals of Am. Congress, Sept. 12th–27th, 1780. Pingry MSS.

sent from this meeting of the counties, inviting the attendance of representatives from all the towns interested, at a convention to be held at Charlestown on the third Tuesday of January, 1781.*

On organizing the convention which assembled in pursuance of this call, it was found that there were present, representatives from forty-three towns. The primary object of the assembly was declared to be, the formation of a union of the whole of the "Grants," consolidated upon such principles as the majority should think best. A committee of twelve from the counties of Cumberland, Gloucester, Grafton and Cheshire were appointed to confer with the General Assembly of Vermont at their next session on the subject of this union, and a declaration of the views of the convention in regard to the propriety and legality of the proposed measures, was at the same time drawn up and published. The proceedings of the convention were not, however, unanimous, the members from eight New Hampshire towns entering their protest against them. During the two following months, extraordinary efforts were made to effect the consolidation, and on the 6th of April, thirty-five representatives, from as many towns in the western part of New Hampshire, took their seats in the General Assembly of the state of Vermont. In addition to the terms agreed to by the New Hampshire towns and the state of Vermont in view of this union, it was settled in regard to the towns in Cumberland and Gloucester counties which should join in the consolidation, that a general and full act of oblivion should be passed by the Legislature of Vermont in behalf of those persons who, on the 1st of October, 1780, although residing in Vermont were avowed subjects of New York; that all judgments against them for fines and forfeitures on account of their opposition to the authority of Vermont should be annulled; that no judgments should be hereafter rendered against them for any state offences committed before the time above specified; and that no civil suits should be hereafter maintained against them for trespasses perpetrated previous to the time aforesaid. The representation from Cumberland and Gloucester counties in the Vermont Legislature was not increased in consequence of the consolidation. The only immediate effect of the proceeding, in Eastern Vermont, was to beget a more kindly feeling towards the self-created state, in the minds of those who were almost ready to refuse any longer to yield allegiance to New York.

* Slade's Vt. State Papers, pp. 126, 127.

Soon after the completion of the Eastern Union, as it was called, some of the inhabitants residing in that part of New York situated north of a line drawn west as far as Hudson river, in continuation of the northern boundary of Massachusetts, and between Hudson river and the western boundary of Vermont, who had asked to be admitted within the limits of Vermont, received an answer favorable to their petition. On the 16th of June representatives from ten towns took their places in the Assembly of Vermont, and the Western Union was declared a constituent portion of the state. During the few months that these Unions were considered as a part of Vermont, they were a source of continual trouble and expense. Happy was the hour, when on the 23d of February, 1782, the unfortunate connections were dissolved, and the revolted districts were left free to return to their right and natural jurisdictions.*

Another important act of the February session, was the subdivision of the counties of Cumberland and Bennington. Since March, 1778, the former on the east and the latter on the west side of the Green Mountains, had comprised within their combined limits the whole state. On the 16th of February, Cumberland was divided into three counties. To Windham county on the south were assigned limits which, with the exception of a few changes on the western line, are the same as at present. A similar qualification being made in respect to the western line of Windsor county, the same statement may be made with regard to its limits as then constituted, and as now preserved. Orange county comprised all the land lying between the north line of Windsor county and the forty-fifth parallel of north latitude, and extended from Connecticut river on the east to a line commencing at a point near Lake Memphramagog, fifty miles from the centre of the "deepest channel" of Lake Champlain; and running thence south to the north-east corner of the town of Worcester; thence south on the east lines of the town of Worcester, Middlesex, and Berlin, to the south-east corner of the latter town; thence on a straight line to the north-west corner of Tunbridge; thence on the west line of Tunbridge to the south-west corner of that town, at which place it struck the north boundary of Windsor county. To attempt to describe accurately the alterations which were continually made in the county lines which stretched

* Slade's Vt. State Papers, pp. 128-141, 169. Papers relating to Vt. Controversy, in office Sec. State N.Y., p. 86.

through the length of the state, now on the western, anon on the eastern slope of the Green Mountains, and sometimes on its very ridge, would be to undertake a task as difficult as it would prove practically useless. As has been already remarked, the more mountainous portions of the state were for years unsettled, and for this reason a description of them would add no value to an historical narration. On account of the addition of the Eastern Union, Orange and Windsor counties were temporarily enlarged. By an act of the General Assembly, passed in April, 1781, all the lands within Vermont on the east side of Connecticut river, "lying and being opposite the county of Orange," were annexed to that county. With the county of Windsor was incorporated the new territory on the opposite side of the river, south of that which had been added to Orange county, and north of the north lines of the towns of Claremont, Newport, Unity and Wendall. The remaining district, situated to the south of these towns, was erected into a county by the name of Washington. When in the beginning of the next year the Eastern Union was dissolved, the counties resumed the limits which had been assigned them previous to the consolidation.*

During the whole of the war of the revolution, Vermont, especially the eastern section, was but rarely subjected to extended or disastrous incursions of the English or their Canadian allies. Very often, however, scouting parties would enter houses under cover of night, either for the purpose of plunder, or of taking some American whose strenuous opposition to the King of Great Britain had marked him as a dangerous person. Among those who had long been noted as zealous patriots, Gen. Jacob Bayley and Col. Thomas Johnson of Newbury were preeminent. The former not only possessed great influence with his own countrymen, but was regarded by the neighboring Indians as a father. Serving as quarter-master-general for the troops stationed at and about Newbury, he never failed to engage in any honorable enterprise which might serve to advance the interests of the common cause. A large reward was offered by the British for his person. Many were the plans

* Journals General Assembly, Vt. Slade's Vt. State Papers, p. 427. On the 19th of February, 1781, by an act of the General Assembly, Windham county was divided into half-shires, called respectively Westminster and Marlborough, and the courts were held alternately in the shire-towns of the same name. Windsor county was constituted a shire by itself, and the town of Windsor was the shire-town. In Orange county, the shire-towns of Thetford and Norwich were situated within the half-shires of the same name.

arranged for his capture, and equally numerous were the failures of the attempts made to take him. Col. Johnson was also a man whose influence upon the circle in which he moved, was such as to excite the fears of the enemy. By order of Gen. Lincoln, he, at the head of a volunteer company, had in September, 1777, proceeded towards Ticonderoga for the purpose of diverting the attention of the enemy, while Colonel Brown was engaged in releasing the American prisoners at Lake George. Not only did he succeed in this undertaking, but in connection with others, assisted in recovering many important stations on Lake Champlain, in liberating more than one hundred Americans, and in capturing two hundred and ninety-three of the enemy. Of these prisoners, a hundred had been placed in his charge. Instead of securing them near the Lake, he had marched them back into the country where they would not be liable to be retaken, and where provisions could be more readily obtained. By this and other acts Col. Johnson had greatly troubled the British, who now eagerly sought for an opportunity to make him their prisoner. He succeeded, however, in eluding their vigilance until the spring of 1781, when he was taken in the following manner.

Having contracted to erect a grist-mill in the town of Peacham, situated fifteen miles northwest of Newbury, Col. Johnson set out from the latter place on the 5th of March, 1781, taking with him two mill-stones. Owing to the lameness of his oxen, and a temporary illness with which he was affected, he was occupied three days in performing the journey. On reaching Peacham he stopped at the house of Deacon Jonathan Elkins. Being awakened on the morning of the 8th, between twelve and one o'clock, he arose and found the house surrounded by a party of the British, consisting of eleven men including Capt. Pritchard the commander. His first impulse was to draw on his stockings, clear the window, and run. But, before he could accomplish this object, the muzzles of two guns were brought in unpleasant proximity to his person, and he was claimed by two men as their prisoner. Surrendering himself as such, and having promised to give his captors no trouble, he was permitted to accompany them without being bound. Jonathan and Moses Elkins, sons of the Deacon, and Jacob Page were also made captives, but by the intercession of Johnson, who discovered among the British two "old acquaintances," Moses, who was feeble in body, was permitted to return after he had pro-

ceeded about eight miles. Taking in their course Lamoille river, Grand Isle, Point au Fer, and L'isle au Noix, the party reached St. John's on the 13th, after a journey of six days. Page was immediately sent on to Montreal, but of his after life, if he was permitted to live, nothing is known.

Jonathan, then a youth, known afterwards as Col. Elkins, was imprisoned at Quebec, and after enduring for eight months the most grievous privations, was sent to England with one hundred and fifty others. During the voyage the prisoners were distributed throughout the fleet with which they sailed, and were obliged to do duty. On arriving at Plymouth, Elkins and his fellow-sufferers were confined in the old Mill prison, and there remained from the 9th of February, 1782, until the 24th of June following. During this period they were allowed only two-thirds the rations of common soldiers, and most of them were miserably clad. Having been informed of their condition, Dr. Franklin, who was then the American minister at France, sent to each prisoner, one shilling sterling per week, which gift was of great service in relieving the misery of their condition.* Referring to this noble act, and the good results which followed it, Col. Elkins wrote:—"There were among us forty captains of vessels, and many others who had some learning; and when we got our shilling a week from Dr. Franklin, it was proposed that we, who had no learning, should pay four coppers a week for schooling, and soon many schools were opened. Among the rest, I procured paper, pen and ink, and a slate, and paid my four coppers a week for tuition. By this means, many who could neither read nor write got so much learning, that they were capable of transacting business for themselves, and a number of us learned the mariner's art, so as to be capable of navigating a ship." This confinement having been brought to an end by an exchange of the American prisoners for the captured troops of Cornwallis, one thousand seven hundred and thirty-three of the former were put on board a cartel and sent back to the United States. Among this number was young Elkins, who afterwards returned to his home in Peacham.

The treatment which Johnson received during his captivity, was far different from that experienced by his unfortunate friend, Elkins. He was regarded by the British as a man who might

* This circumstance is mentioned in the "Memoirs of Andrew Sherburne" in connection with an account of the old Mill prison, pp. 78-96.

be of great service to them, provided he could be induced to renounce his allegiance to the United States. For the purpose of leading him to take this step, he was allowed many privileges not often granted to prisoners, and was treated with great urbanity and kindness. While at St. John's, he was allowed a camp parole, and was permitted to live with Capt. Sherwood, a gentleman noted for the humanity which he uniformly displayed towards those whom the fortune of war placed in his power. Notwithstanding the attentions which he received, his quarters were often shifted from St. John's to Montreal, from Montreal to Chambly, and from Chambly to Three Rivers. At each of these places, he was interrogated by different officers as to the "views and feelings of the inhabitants of the 'Grants,'" and as to his own opinions of the prospects of the colonies. Careful and guarded in his answers, he spoke with apparent carelessness of the American cause, but never divulged anything which would be of advantage to the enemy or detrimental to his friends. He afterwards ascertained that his answers were noted by those with whom he conversed, and sent to the commander for comparison and inspection.

On one occasion, a young officer, in whose charge he had been placed, had been drinking too freely, and had left a letter exposed, which Johnson took the liberty to peruse. It was from a person high in command, and expressed a hope that the young officer was possessed of "too much sense and intelligence to be imposed upon by the prisoner." Knowing from this, and other circumstances, that his words, as well as actions, were the subject of critical examination, Johnson resolved to affect an indifference towards the American cause, trusting that the result would prove personally beneficial. In this he was not disappointed. Having been detained a prisoner for seven months, he was finally released on parole, on the 5th of October, having first signed an instrument in which he pledged his "faith and word of honor" to Gen. Haldimand that he would "not do or say any thing contrary to his Majesty's interest or government;" and that, whenever required so to do, he would repair to whatever place should be designated by proper authority, and would there remain until legally exchanged. After his return to his family at Newbury, he would, now and then, receive letters from his friends in Canada, but was never ordered to change his residence or to surrender his parole. He freely communicated his views to Gen. Washington in regard to the negotiations which,

for a time, were carried on between the British in Canada and the principal men in Vermont, and although mistaken in his conclusions that the state was to become a British province, proved himself a true patriot by the jealousy with which he regarded an intercourse which, to all but those concerned in it wore the aspect of contemplated, if not of incipient, or nearly consummated treason. His unpleasant connection with the enemy continued in force by virtue of the agreement he had signed, until the 20th of January, 1783, when the treaty of peace released him from his parole of honor, at the same time that it gave independence to the United States.*

On the 16th of March, a few days after the capture of Johnson and his friends, another alarm was experienced at Newbury, the cause and character of which are not known. It was sufficient, however, to excite the apprehensions of Gen. Bayley, who immediately ordered the militia from the adjacent towns to march to the place threatened by invasion. The only records of the affair which are known to exist are the pay-rolls. From these it appears that eighteen men from Westminster, belonging to the companies of Capts. Jesse Burk and Michael Gilson, but commanded by the former, "marched in the alarm" at Newbury, fifteen miles towards that place and returned, having been for three days in service; that Capt. John Mercy of Windsor, led twenty-eight of his townsmen twenty-one miles on the same errand and then returned, after an absence of three days; and that a company of nineteen men, headed by the fiercely-named Samuel Stow Savage, performed a journey similar in all respects to the last, and brought his gallant followers in safety to their homes.†

The necessity of establishing the internal government of Vermont on a firm basis had been deeply felt at the February session of the General Assembly. In order to secure, in part, this desired result, the times and places for holding the county elections had been selected and ratified by legislative enactment, and notified to the most important towns. At this time there resided in Windham county a number of gentlemen of ability, who, previous to the year 1775, had been connected either as judges, lawyers, or in some subordinate capacity, with the established courts. When the power of the King had been

* Powers's Coos Country, pp. 193-216. Thompson's Vt., Part III. p. 137.

† MS. Muster-Rolls, etc.

declared a nullity, these gentlemen still retaining their loyal feelings, had retired from the struggle which ensued, and during the six years that followed had, from their seclusion, observed with interest the changes which day by day gave a new aspect to the political affairs not only of their immediate neighborhood, but of the whole United States. The time had now come when these men must decide between "the King and the Congress," as the phrase of the times was. Aware that their mental attainments would give them a place in the new government, and viewing the condition of royalty as doubtful and desperate, they declared their willingness to embrace the cause of America, and avowed their allegiance to the state of Vermont. At the elections which were held on the 27th of March, several of these gentlemen were elected to the highest and most important offices of the county. When the result was made known, great indignation was felt by those who from the beginning had resisted the encroachments of Great Britain, and who now beheld men who had for years remained neutral raised to office, and placed in positions which were justly due to those who had suffered in, and sustained the now triumphing cause.

Among the people of Rockingham this feeling of dissatisfaction was manifested in terms most significant. Many of the inhabitants of that town had been at Westminster on the night of the memorable "massacre," or on the day succeeding that event, and had there become penetrated with aversion to anything which bore the insignium of the Crown, and to any person who derived authority from it. Although illiterate men, yet they could not acknowledge that to be justice which should grant favors to him who but yesterday had sworn allegiance to America, while it neglected the brave soldier who six years ago had taken his place with eagerness and enthusiasm, among the handful whom King George denounced as rebels. Influenced by these feelings, they drew up a petition on the 9th of April, addressed to Governor Chittenden and to the Council of the state, remonstrating against the election to office of the "friends to Ministerial Tyranny and Usurpation," who until within a few days had been the "a Vowed Enemies to all authority save that Derived from the Crown of Great Britton," and the "known Enemies to this and the United States of America." "If there is proof wanted of this," they continued, "we will bring in their being active in and accessory to the shedding the first Blood that was shed in America to support Brittanic Government, at

the Horrid and Never to be for Got Massacre Committed at Westminster Cortt House on the Night of the 13th of March, 1775." They further declared that they could perceive no difference "between being halled to Great Britton for Tryal or being Tryed by these Tools amongst our Selves," and asked for a new election, or for the retention of the commissions of Noah Sabin Jr., as judge of probate; of John Bridgman, Luke Knowlton, and Benjamin Burt, as judges of the county court; of Oliver Lovell and Elias Olcott as justices of the peace; and of Jonathan Hunt, as high sheriff, in order that the petitioners might have an opportunity "to Enter a proper Impeachment and prove that Said persons are Not onely Disquallefed for holding any public Station By their own bad Conduct but Cannott be freemen of the State of Vermont by the Constitution thereof." To this paper were appended about fifty signatures written in scrawls, as ragged as the composition of the document was unique.

On the 12th of April, and before the presentation of the Rockingham petition, a remonstrance similar in import, signed by Leonard Spaulding and a number of the inhabitants of Dummerston and the neighboring towns, was brought before the Council for immediate consideration. The request contained in this instrument was answered in part, and the commissions of Noah Sabin Jr., as judge of probate, and of Samuel Knight, as a justice of the peace, were withheld for the present. The Rockingham petition was considered on the 16th of April, but the Council refused to accede to the wishes of the petitioners and the subject was dismissed. At the fall session of the Legislature in the same year, the case of Sabin and Knight was reviewed, and their election was confirmed on the 25th of October by regularly executed commissions. Although there was still a lingering suspicion in the minds of many as to the patriotism of several of the county officers, yet their conduct was without fault, and their duties were performed agreeable to the wishes of the most loyal supporters of the American cause.*

In enforcing the laws of the state, the courts sometimes experienced difficulties by reason of the nature of the offences which they were required to notice. By a statute passed in February, 1779, it had been enacted that whoever should defame "any court of justice, or the sentence or proceedings of the same; or

* MS. Remonstrance, Council Records, &c.

any of the magistrates, judges, or justices of any such court, in respect of any act or sentence therein passed," should, on conviction, be punished by fine, imprisonment, disfranchisement, or banishment at the discretion of the court. Wholly disregarding this law and its denunciations, Nathaniel Bennet of Tomlinson, now Grafton, "did, on or about" the 1st of August, while at Athens, "utter and publish these false and defamatory words" in relation to Seth Oaks, a justice of the peace:—"He has given a damned judgment against me, and he has perjured himself; and deserves to be whipped damnably." Complaint having been made against him by Stephen R. Bradley, the attorney for the state, he was arrested on an order from the Superior court, and was brought before that body on the 6th of September, while in session at Westminster. Owing to an apparent reluctance, as it would seem, to try the prisoner at that time, he was admitted to bail, and the cause was put over until the session in January, 1782. It was then carried forward to the June term, on which occasion it was again postponed. The defendant was subsequently ordered to appear at the session in February, 1783, but failing to be present he forfeited his bail bond. No further proceedings were taken in the matter.*

As has been already observed, the easy access to the settlements, afforded by the unprotected condition of the frontiers, was the cause of continual alarms to the northern towns. The anticipation of an irruption from Canada, or of an attack of some nature, induced Capt. John Benjamin, the commandant of the fort at Bethel, to seek assistance from the neighboring militia, early in August, 1781.

In obedience to this application, Capt. Bartholomew Durkee, on the 10th of that month, and at the head of twenty-five of the stout men of Pomfret, marched to his aid, and was joined by Capt. Elkanah Sprague with five men from Hartford. The readiness of the soldiers to fight seems, however, to have been the only method by which they were permitted to evince their bravery on this occasion. The sole record of the expedition which remains, is that which preserves the names of the militia, the number of miles they travelled and the days they were absent on service. But the fortunate issue of this alarm was counterbalanced by an event which happened in the following month.

* MS. Court Records.

During the summer, Capt. Nehemiah Lovewell was stationed with his company at Peacham. The "Hazen Road" as it was called, which had been commenced by Gen. Bayley, in 1776, and completed by Gen. Hazen in 1779, began at Peacham and extended through the present towns of Cabot, Walden, Hardwick, Greensborough, Craftsbury, Albany, and Lowell. Up this road, Lovewell sent a scout of four men, during the month of September, for the purpose of ascertaining the locality of the enemy. While on the route, they were ambushed and fired upon by the Indians. Two of the party were killed and scalped, the other two were captured; and on the tenth day after they left Peacham, were prisoners in Quebec with Colonel Elkins, who had been carried away in the preceding spring. This was the last of the depredations by which the inhabitants of the eastern settlements were disturbed during the year.*

Although the frequent incursions of the Indians and Tories had kept the people on both sides of the Green Mountains in a state of perpetual alarm, yet the Canada negotiations and the delays in Congress in the adjustment of the jurisdictional rights of the different claimants to the "Grants," were the cause of anticipations more gloomy than the sad realities of the present hour. Among the majority of the inhabitants, so little was known concerning the relations existing between the government of Vermont and the British, that the most extravagant surmises were promulged by those who, in other matters, were esteemed for their prudence. Stories which, at any other time, would have been discredited without hesitation, were repeated with additions and exaggeration, and received as the truth. Whatever may have been the opinion of Washington and his advisers as to the course pursued by the leading men in Vermont during this period of doubt and danger, there is now no question that the secrecy with which the negotiations with the enemy were conducted, notwithstanding the evil reports which were caused thereby, was the safest method which could have been adopted. Vermont—claimed by New York, regarded with hatred and fear by New Hampshire, suspected of treason by Congress, and eagerly watched by Canada,—held a situation so peculiarly delicate, that one false step might have destroyed all the plans of her protectors, and rendered vain her hopes of existence as a separate and independent state. In the minds of

* MS. Muster Rolls. Thompson's Vt., Part III. p. 187.

many, the distrust evinced towards Congress was far greater than the fear of subjection to British dominion. To such an extent did this distrust prevail, that not a few among those who represented Vermont in her own Legislature, regarded with evident satisfaction the idea of becoming allegiant to the Crown. From the language held by men who, although violent in their expressions, were still the exponents of the views of a large class of the community in which they resided, a more definite idea may be gained of the ideas which, at this time, prevailed.

In a conversation which took place at Brattleborough, during the month of May, between Col. Samuel Wells, who had been one of the royal judges in Cumberland county, for many years an adherent to New York, and afterwards a representative in the Assembly of Vermont—in a conversation which took place between him and Elijah Prouty, the latter having observed that in his opinion, “the state would not stand a state,” Wells replied, that he was mistaken, that Vermont would continue a state because it was established a state by the King of Great Britain, and further declared, that in case the United States should levy war against it, it “could be supported by 10,000 or 15,000 troops out of Canada.” Similar to this, was the assertion of Capt. Oliver Cooke who, in the month of July, assured a friend, that Vermont was a state, and that he could “in less than twenty-four hours” show that it had been “established by the King of Great Britain.” The language of John Bridgman, of Vernon, a judge of the quarter sessions, and a member of the state Assembly, when conversing in relation to the powers of Congress, was violent in the extreme. “Congress has no business” to interfere with the present union of Vermont and New Hampshire, said he, to that renowned Yorker, Timothy Church of Brattleborough, as they chanced to meet on a November’s day, at Matthew Martin’s mill. Church expressed a contrary opinion. Thereupon, Bridgman replied: “Damn the Congress. Curse the Congress! Haven’t we waited long enough on them? A pox on them. I wish they would come to the mill now; I would put them between these mill-stones or under the water-wheel. They have sold us like a cursed old horse. They have no business with our affairs. We know no such body of men!”

So fearlessly were opinions expressed respecting the condition of the state, that Edward Smith declared openly, at the public house of Josiah Arms, in Brattleborough, that “as long as the

King and Parliament of Great Britain approved of, and would maintain the state of Vermont, he was determined to drive it, and so were its leaders." Verbal reports of these, and similar declarations, were borne to Governor Clinton, who regarded them as proofs of a treasonable conspiracy with the enemy. In order to obtain the exact truth, he wrote on the 3d of January, 1782, to Capt. Timothy Church and his wife, Lieut. Jonathan Church, Elijah Prouty, Benjamin Baker, Israel Field, and Joseph Dater, in whose presence these sentiments had been uttered. "As I am informed," said he, "that you are acquainted with facts that tend to prove that the leaders of the usurped government of Vermont are in league with the common enemy, I have therefore to request, that you will appear before a civil magistrate, authorized to take the same, and make affidavit of all such matters as shall have come to your knowledge, respecting the same, in order that they may be transmitted to me. The good opinion I have of your patriotism, forbids my using any arguments to induce you to a compliance with a measure in which the safety and general interest of America is obviously and essentially concerned." In conformity with this request, those who had heard the remarks before narrated, committed the facts to writing in the form of affidavits, and sent them to Governor Clinton.*

Although the New York adherents experienced great difficulty in upholding the government to which they owed allegiance, yet they did not hesitate to express their views on the subject whenever an opportunity was offered. On the 5th of November, 1781, Seth Smith, Elijah Prouty, Daniel Shepardson, and Hezekiah Stowell informed Governor Clinton, by letter, of their disapprobation of the "present basis of government" as established in Vermont, and of the threatenings with which they had been menaced by the people of that state. They further declared, that "vast numbers" still held to the state of New York and to the authority of Congress, but were constrained to suppress their sentiments from regard to personal safety. In proof of these statements, they referred the Governor to Lieut. Israel Smith, the bearer of the letter. The nature of this correspondence having become known, Seth Smith, who was regarded by the Vermonters as a dangerous person, and who

* George Clinton Papers, in N. Y. State Lib., vol. xv. doc. 4265. MS. Depositions.

had also been charged with being engaged in some riotous proceedings, was indicted in December, 1781, before the court in Windham county for "conspiring and attempting an invasion, insurrection, and public rebellion" against the state of Vermont, and for "attempting the alteration and subversion" of its "frame of government by endeavoring the betraying the same into the hands of a foreign power."

Aroused, no doubt, by this exercise of power, and aware that the agreement they had made to sustain the jurisdiction of Vermont at the time of the addition of the Eastern Union, had tended but little to increase their personal or political safety, the inhabitants of Guilford, on the 8th of January, 1782, drew up an address to the Governor and Legislature of New York and to the "American Continental Congress." In this paper they expressed regret that they had been compelled by circumstances to unite with Vermont. In defence of their conduct, they argued from "the eternal and irresistible laws of self-preservation, which are ever prior to all social laws, or the laws of a particular society, state, or commonwealth," that when a body of men were oppressed, and the state to which they owed allegiance could not assist them, it was "forever justifiable for that oppressed people to procure their own redress and relief by terms of composition with their oppressors," as favorable as could be obtained. They then referred to the inconveniences to which they had been subjected in early years by the "tyrannic administration of the Crown;" to the persecutions they had endured on account of their allegiance to New York; and to the consequences which would ensue, should Congress cut off the Eastern and Western Unions and establish Vermont as an independent state. Without these wings, "Vermont," said they, "if filled up in its utmost extension," would never be able to maintain inhabitants enough to support the "charges, honor, power and dignity of an inland state;" or to build such defences at the north as are needed; or to man, victual, and support them, in case they should be erected. Should the dissolution of the Unions follow, and should Vermont be recognized by Congress as the fourteenth state, they declared that the result to them would be but little short of a natural death. Accompanying this address was a communication, dated the 10th of January, from Daniel Shepardson, Henry Hunt, Capt. Asa Rice, Capt. Daniel Wilkins, Newhall Earll, and Lieut. David Goodenough, asserting that almost all the Vermonters in Guilford, and many in the

adjacent towns, had lately "turned against Vermont," and were desirous of owning the jurisdiction of New York and submitting to the decisions of Congress.

To excite, if possible, an additional interest in their situation, the New York party in the townships of Guilford and Brattleborough, drew up a "Representation" as it was called, of their situation, and committed it to Seth Smith their agent, with orders to present it to the Legislature of New York, and to the Congress of the United States. In this document, which was composed with much care and apparent truthfulness, Smith, as representant, declared that a "very great majority" of the inhabitants of Brattleborough and Guilford, and "at least three-fourths" of the people living within the "usurped jurisdiction of Vermont, on the east side of the Green Mountains and west side of Connecticut river," were desirous of returning to the "rightful jurisdiction of the state of New York," from which by the violent measures of the new state government, and the want of necessary protection and assistance from Congress and New York, they had "much against their inclinations, been obliged to appear to depart;" that the towns which he represented, and a majority of the inhabitants of the New Hampshire Grants, were, as he believed, firmly determined to oppose by arms the "usurped jurisdiction of Vermont;" and that there was full evidence of the disaffection of "the leaders and abettors in the assumed government of Vermont" towards the United States, and of a "league of amity" between them and the enemy in Canada. In support of the last statement, he alluded to the fact that Vermont commissioners had held frequent interviews with commissioners from Canada, both in the latter province and on the "Grants;" that the leading men in Vermont had established a neutrality with Canada, publicly disavowed the authority of Congress, and authorized the transmission into Canada of prisoners belonging to Gen. Burgoyne's army, without receiving any in exchange; that the "staunch whigs and those well affected to the true interests of the United States" were exceedingly alarmed at this friendly intercourse which they could not prevent unless by force of arms, since, as supporters of New York, they were not eligible to office under Vermont; and that the "ill-gotten powers" of the supporters of the new state "were wantonly and arbitrarily" exercised, to the "inconceivable oppression of the best friends of the American cause" in that portion of the nation.

In addition to these charges, he stated that the Vermonters had committed many acts of violence, under color of law, against the well-affected subjects of the state of New York; that they had proceeded so far against him, as to cause him to be charged—in an indictment for high treason against “their assumed government”—with an attempt to introduce a “foreign power” into Vermont, meaning undoubtedly by these words the government of New York and the authority of Congress; that they had “debauched” into a union with themselves, portions of New York and New Hampshire; that, although exempt from the “common burthens of the American war,” they still exercised an “exorbitant power in taxation and arbitrary drafts, to support their usurpations against two of the states in the American confederacy;” and that this latter proceeding was intolerably grievous to the great body of the true friends of America, who were compelled to endure, since they were not able to resist. To support these declarations, the representant offered to adduce the “most regular and conclusive proofs,” provided he and his friends should be protected while collecting the evidence. He also suggested the propriety of sending congressional commissioners to make inquiries and return a full report, and added his assurance that they would be upheld and respected by the majority of the people. In conclusion, he gave as his firm opinion “that unless Congress seasonably and vigorously interpose, the well-affected to the state of New York and the United States will fly to arms in opposition to the usurpation of Vermont.”

On reaching Poughkeepsie, Smith waited on Gov. Clinton, apprised him of his business, and bespoke his assistance. Clinton, at once, approved of the undertaking in which Smith was engaged, and on the 21st of January presented him with a letter of introduction to William Floyd, one of the delegates from New York in Congress. In this communication, Clinton recited in brief the information which Smith designed to communicate, and desired Floyd to aid that gentleman in fulfilling his commission. “You will be able, I presume, from the temper of Congress,” wrote he, “immediately to determine what effect Mr. Smith’s representation is likely to have, and if it should not appear probable that any measures will be taken in consequence of it, I wish he may not be detained in Philadelphia a single hour longer than is necessary for you to prepare your dispatches.” Agreeable to this request, the representation was

laid before Congress on the 28th of January, and was referred with other papers to a special committee. Without waiting to see the issue, Smith returned home. On the 19th of February the first report was made on the subject, and was re-committed. On the presentation of their second report by the grand committee, on the 1st of March, nearly the whole day was spent in the discussion of the Vermont question, and of the conduct of the inhabitants of that state in admitting the Eastern and Western Unions within their jurisdictional limits. The result of these proceedings was the passage of a number of resolves declaring the boundaries of the New Hampshire Grants to be henceforth, as they were understood to have been, previously to the admission of the territory comprised within the acknowledged limits of New York and New Hampshire. Although these resolves were to a certain extent due to the statements of Smith, yet the main object of his mission was not accomplished, since no direct measures were taken to secure those whom he represented the rights which they claimed as citizens of New York.

On his way home, Smith left with Governor Clinton a copy of the representation which he had brought before Congress, and a petition, dated February 11th, addressed to the Legislature of New York. In the latter document, he stated that he had been authorized by his constituents to apply both to Congress and to the New York Legislature "for their respective interposition on the subject matter of his representation;" that the well-affected on the "Grants" would cheerfully render obedience to New York, provided they could be protected; that by the laws of Vermont they were deprived of civil and military power; and that they were determined to resort to "the natural means of defence by arms," unless interposition should be made in their behalf. In view of these difficulties he prayed the Legislature to employ "seasonable and vigorous" measures, and thus free his constituents from the necessity of repelling force by force, a step which "by the rights of mankind" they would be justified in taking. The Legislature were to have met on the 10th of February, but at that time and for several days following there was not a quorum present. As soon as a sufficient number had congregated, the petition and representation were read in the Assembly, and, on the 23d of February, were referred to a joint committee of the Senate and Assembly "on the papers relative to the New Hampshire Grants," consisting of Messrs. Hathorn, Tompkins, De Witt, L'Honnmedieu, and Adgate, from the latter

body. When, on the 26th, the documents were presented to the Senate, they were disposed of in a similar manner, Messrs. Oothoudt, Whiting, and Ward being the members of the joint committee to whom they were referred.

As in Congress, so in the New York Legislature, no direct results followed this effort made by the constituents of Smith to obtain justice for themselves and protection from the people of Vermont. The attention of both of these bodies was too much engaged in investigating the reports which were daily pouring in upon them, of a treasonable correspondence between Vermont and Canada, to allow of an examination of the inconveniences of which the Guilfordites and their colleagues complained. But the declarations which were made were not entirely lost. Their influence was discernible in the course which New York, at a later period, determined to adopt in establishing government in the late county of Cumberland. Soon after his return home, Smith presented a petition to the General Assembly of Vermont, praying to be released from the charge of treason which had been brought against him. The request was referred to a committee, who reported favorably thereon, and by an act of the Assembly, passed on the 23d of February, he was discharged from the indictment "for conspiring and attempting an invasion, insurrection and public rebellion" against the state, on condition that he should appear at the court in Windham county and answer to other charges which might be brought against him, and take the oath of allegiance to Vermont. The disappointment which he had experienced at Congress, was undoubtedly the cause of his application to the General Assembly. It does not appear, however, that he accepted the proposals which were offered him, and, judging from the conditions on which they were based, it is probable they were rejected.*

As soon as Vermont by her own act had dissolved all connection with the Eastern and Western Unions, many of the residents in several of the towns of the former county of Cumberland, again declared themselves citizens of New York. At a town meeting held at Brattleborough, on the 12th of March, the people assembled and declared by vote, that in their opinion a treaty had been

* George Clinton Papers, in office Sec. State N. Y., vol. xiv. doc. 4129: vol xv., docs. 4301, 4334, 4352. Journals of Am. Cong., Feb. 19th, March 1st, 1782. Vt. Council Records. Journal Gen. Ass. Vt., Feb. 1782. Journals Ass. N. Y. Various MSS.

“entered into with the enemy;” that the inhabitants of the New Hampshire Grants justly owed their allegiance to New York; that it was their own duty “to withdraw all allegiance or obedience to the state or authority of Vermont;” and that in case a sufficient number of the inhabitants of the other towns in the county should adopt similar sentiments, they would petition the Governor of New York to appoint civil and military officers for their guidance, and to establish a civil government under the authority of that state. On the 13th, a similar meeting was held at Guilford, and was followed by the same results. The inhabitants of Halifax assembled on the 14th, for the purpose of consulting upon the question of their connection with New York, and arrived at conclusions of a like nature.

On the 20th, a convention of the committees of the three towns above named met at Brattleborough, for the purpose of concerting such measures as the peculiar situation of the county demanded. Elijah Prouty of Brattleborough was chosen moderator of the meeting. Samuel Avery, as agent, was directed to repair to the Legislature of New York, and lay before them “a just and true state” of the “oppressions and grievances” to which their constituency on the “Grants” were subjected. Certain persons were also appointed to write to those towns which were not then represented, for the purpose of eliciting their sentiments respecting the course which had been adopted by the convention. In regard to Hinsdale, Newfane, Putney, Westminster, Rockingham, and Weathersfield, the convention declared their opinion that, if those towns had been allowed proper time and sufficient notice, they would have agreed to and sanctioned the objects and actions of the meeting. In the instructions which were afterwards given to Avery, he was directed to deliver the papers which should be entrusted to him to the Legislature of New York, and pray for their “advice and assistance;” to endeavor to influence them to establish actual civil government on the “Grants,” “with sufficient authority and force to carry it into execution;” and, if he should receive encouragement, to proceed to Congress, and lay the whole subject before the members of that body.*

These measures contributed, in a certain degree, to influence the conduct of those to whom personal appeals were made, but they brought no immediate redress of the evils complained of.

* MS. Minutes of meetings held at Brattleborough, Guilford, and Halifax.

The return of the inhabitants in the Western Union to their allegiance, and the question of land titles on the New Hampshire Grants, were now occupying the attention of the New York Legislature, and the prayers of the few were unheard among the applications, petitions, and remonstrances of the many.

Although the Yorkers in the townships of Brattleborough, Guilford, and Halifax received but little encouragement from the government whose authority they acknowledged, yet they did not cease, by addresses and agents, to importune the Legislature of New York for assistance. However men may disagree as to the merits of their cause, no one can deny to them a perseverance of itself almost worthy of a successful issue. On the 26th of April, a remonstrance in behalf of these towns was prepared by Charles Phelps of Marlborough. He and his sons were violent opponents of the Vermont jurisdiction, and subsequently became active leaders in the New York party. A treasonable correspondence between the principal men in Vermont and the British in Canada was boldly asserted in this document, and the former were charged with an agreement to raise a force to be employed under British pay for "the destruction of the liege subjects" of the United States. Complaint was made at the same time, because of the taxes which the friends of New York were compelled to pay towards the support of a government whose authority they denied. The inconveniences and suffering ensuing therefrom were also set forth in the plainest terms. These statements were accompanied by a request that one regiment or more might be raised and officered in the county of Cumberland, under the pay and authority of New York; that probate judges, justices, coroners, and "all other civil officers" might be commissioned, for the "good regulation" and "compleat protection" of the people; that Judge Richard Morris might be exhorted to visit the county, for the purpose of encouraging the loyal, and disheartening their opponents; and that the worst criminals might be carried to Albany or Poughkeepsie. In closing, the committee, in whose name the remonstrance was drawn, expressed a desire that Governor Clinton should send his answer "in writing, and no more by word of mouth," in order that the people might see his declarations in his "own hand." *

At a convention of the committees of these three most faith-

* George Clinton Papers, in office Sec. State N. Y., vol. xv., doc. 4482.

ful towns, held on the 30th of April, the remonstrance was accepted as the expression of the people, and Daniel Shepardson was appointed to carry it to Poughkeepsie, and endeavor to obtain a favorable response. He was also entrusted with a list of the names of those best qualified to fill civil and military offices, and was directed to submit it to the New York Council of Appointment for their guidance in selecting officials for the county. In the execution of his commission, Mr. Shepardson repaired to Poughkeepsie, and received from Governor Clinton a reply to the remonstrance. In this communication, dated the 6th of May, the Governor assured the associated committees, that, as soon as the Council of Appointment could be convened, he should use his "best endeavors" to obtain commissions for "the requisite civil and military officers." He then referred to the act of Congress of the 24th of September, 1779, which expressly declared it to be the duty of the inhabitants on the "Grants" owing allegiance to Vermont, to abstain from exercising any power over those who were subjects of New York and *vice versa*. In view of the conduct of New York and of the rights guaranteed by this enactment, he observed: "This state has, during the whole of the time since the controversy was submitted to Congress, hitherto strictly observed this recommendation of Congress; and should any person under pretence of authority from the assumed government attempt to enforce their laws, you will perceive that resistance by force is, in every point of view, justifiable, and the faith and honor of Congress is pledged for your support." In regard to the suspicions which were afloat as to the course which Vermont was pursuing with the British in Canada, he declared that there was the fullest evidence of a "criminal and dangerous intercourse" between them, and presented this fact as an additional reason why the friends of America should "interest themselves in prevailing with their fellow citizens to return to their allegiance, and by that means disappoint the views of a combination who from motives of self-interest and ambition would enter into a league with the enemy, and sacrifice the liberties of their country." He stated, moreover, that in case persuasive measures should prove ineffectual in the re-establishment of peace, and Congress should delay or wholly decline to decide the question of jurisdiction, no alternative would be left to New York. Necessity, he declared, would then force the adoption of "compulsory means" to maintain the rights and enforce the authority so essential to the future peace

and security of the state. With this letter were sent the two late acts of the Legislature, one of which had been passed for the purpose of extending pardon to those who had been the supporters of the Western Union, and to all others who should return to their allegiance; and the other for confirming grantees in the titles by which they held their lands.*

Hardly had the contents of this letter transpired, when an opportunity was offered for those who should choose so to do, to attest their adherence to the government of New York. By an act of the Legislature of Vermont, passed a few months previous at the February session, orders had been issued for raising "three hundred able-bodied, effective men, for the ensuing campaign." In case any town should refuse to raise their quota of men, power was given to the selectmen to hire the required number, and to issue their warrant to the sheriff of the county, directing him to levy on "so much of the goods and chattels, or estate" of the inhabitants as should be necessary both to pay the wages of those who should be hired, and to satisfy all the necessary charges which might arise: The friends and supporters of the government of New York, who, until the year 1780, had composed a large portion of the population of the towns in the southeastern part of Vermont, had been gradually decreasing in power and numbers. At this period, a majority of the inhabitants of Guilford, a minority of the inhabitants of Brattleborough and Halifax, the family of Charles Phelps in Marlborough, and here and there an individual in Westminster, Rockingham, Springfield, and a few other towns, represented their full strength. Although in town elections they were sometimes placed in nomination against citizens of Vermont, yet the latter were, with rare exceptions, successful in obtaining office on those occasions.

Guilford had been for several years, and was at this time, the most populous town in the state. This was not owing to any superior natural advantages, either as to situation or soil, but to the greater liberty which its citizens enjoyed. On the 19th of May, 1772, the inhabitants, at a district meeting, had refused longer to be bound by the terms of the charter they had received from New Hampshire; had declared by vote, that Guilford was in the county of Cumberland, and province of

* Doc. Hist. N. Y., iv. 1010-1012. Slade's Vt. State Papers, pp. 173-176. Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 46.

New York ; and had chosen town officers agreeable to the laws of that province. "Having renounced their charter," observes Thompson, "and there being no government which really exercised authority over them, they continued to legislate for themselves, and tradition says that good justice was done." One principle in their abandoned charter was, however, adhered to, and "none but proprietors, or those who held under them, had a right to rule, or vote in their meetings." Thus did this little republic continue from year to year to be governed by the decisions of town meetings, and the excellent administration of its affairs and the inducements which were offered to settlers, clothed its fields with waving harvests, and adorned its hill-sides with cheerful dwellings. Not until the year 1777, when Vermont was declared an independent state, did those rivalries commence which for years afterwards disturbed the peace of this happy community, and finally resulted in its dissolution.*

In accordance with the terms of the act for enlisting soldiers in the service of Vermont, it had been reported that drafts would be made from Guilford. At this juncture the letter from Governor Clinton, declaring "resistance by force" to be justifiable, was circulated among the people. A meeting was immediately called in Guilford, which was largely attended by the Yorkers, the dominant party in that town, and the instructions from New York were adopted. A vote was passed by which the people declared their determination "to stand against the pretended state of Vermont, until the decision of Congress be known, *with lives and fortunes.*" As an evidence of their sincerity, Henry Evans, Daniel Ashcraft, and Nathan Fitch were directed to forbid the constable to act. Although the New York adherents were in the ascendant, yet the citizens of Vermont were by no means backwards in asserting their rights. One result of this loyalty was, that the affairs of the town were regulated by two distinct sets of officers, the one appointed in accordance with the customs of the former state, and the other in accordance with those of the latter.

Instead of selecting the soldiers who were to serve in the Vermont militia from the citizens of that state residing in Guilford, the officers chose them from the opposition. Those who were drafted refused to serve, or to bear the expenses of a

* Thompson's Vt., Part III. p. 81.

substitute. An open rupture could be no longer avoided. On the 10th of May, Simeon Edwards, William Marsh, and Ephraim Nicholls, the selectmen of Guilford by the choice of the citizens of Vermont, directed the sheriff of Windham county, in the name of the state, to take the goods and chattels of Samuel Bixby, William White, Josiah Bigelow, Joel Bigelow, and Daniel Lynde, to the value of £15, that being the amount which had been expended by the state in hiring a man to do military duty in their behalf. The sheriff was further instructed to sell whatever he should seize, at public vendue, and return the proceeds to the selectmen, "with all convenient dispatch." The warrant authorizing these proceedings was placed in the hands of Barzillai Rice, one of the sheriff's deputies, who determined to execute it immediately. On reaching the house of Hezekiah Stowell, a most violent Guilfordite Yorker, he found a large company assembled, and among the number some whom he wished to see. Supposing himself secure from the danger of an attack, both by his official character and by the presence of two of the selectmen who had drawn the warrant, he made known his business, and his determination to obtain either the fines or their equivalent.

This declaration created much confusion, and angry words were heard from every part of the room. Opposition to the unjust demands of Vermont was loudly proclaimed, and it was plainly evident that words were to be but the prelude to action. William Shattuck, of Halifax, a leader among the Yorkers, failed not on this occasion to strengthen the minds of his friends. Mingling in the crowd, he counselled them to protect their rights; to stand by their liberties; and to repel the invasions of a usurped power. "I am a supporter of the opposition," he declared, "both in public and in private. I deny the authority of Vermont. The cause that I maintain is just, and I have done and will do all in my power to uphold it." With Shattuck the majority coincided. A few were disposed to settle the fines, provided satisfactory terms could be agreed on. For the sake of a more private interview, the deputy, selectmen, and those interested in the proceedings, repaired to the house of Josiah and Joel Bigelow. Henry Evans and William White, who acted for the five delinquents, having considered the subject at length, were finally agreed as to the course they should pursue, and requested the deputy to delay the execution of the warrant for twenty days, that they might have an opportunity to send

to New York for instructions. This the deputy refused to do, and forthwith proceeded to carry off a cow belonging to Joel Bigelow, having first ordered all who were present to assist him in the execution of his office.

Evans, who had now become excited, interposed, ordered the deputy to be gone, threatened him with violence in case he should persist, and "damned the authority" under which he was presuming to act. Disregarding these expressions, the deputy persisted in the attempt, and took possession of the cow. Determined to release the animal and return her to her owner, a large crowd followed the deputy, awaiting a favorable opportunity to accomplish their purpose. At length the voice of Capt. Joseph Peck of Guilford was heard ordering his men, who were present in the dress of citizens, to "embolden to rescue." The command was obeyed, the deputy was surrounded by a mob of forty or fifty men, and the cow was seized and driven away in triumph.* Such was the result of this determination to resist the execution of the laws of Vermont. While the supporters of the claims of New York exulting in the success which had attended this effort, were making every exertion to add to their strength and increase their efficiency, the citizens of Vermont were rejoicing that this forcible resistance had placed them in possession of an argument which would henceforth warrant them in punishing their opponents as disturbers of the peace and contemners of lawful jurisdiction.†

* In the presentment of the grand jurors of Windham county, made in September, 1782, the following persons were charged with being engaged in the transaction mentioned in the text: Jotham Bigelow, Daniel Lynde, Joel Bigelow, Josiah Bigelow, William White, Samuel Bixby, Giles Roberts, Dean Chase, Benjamin Chase, Nathaniel Carpenter, Edward Carpenter, Asaph Carpenter, Daniel Shepardson, Adonijah Putnam, Nathan Avery, Josiah Rice, David Goodenough, John Stafford Jr., James Packer, Stephen Chase, Joshua Nurse, Noah Shepardson, Joseph Peck, Joshua Lynde, Shubael Bullock, Israel Bullock, Samuel Melendy, Joseph Dexter, Moses Yaw, Amos Yaw Jr., and Hezekiah Broad, all of Guilford; and Elijah Prouty and Benjamin Baker of Brattleborough. Besides these, there were present, Timothy Church of Brattleborough, William Shattuck of Halifax, Henry Evans of Guilford, and others whose names did not appear.

† MS. Court Records. Thompson's Vt. Gazetteer, ed. 1824, p. 141.

CHAPTER XVI.

THE CIVIL SUSTAINED BY THE MILITARY ARM.

Convention of town representatives favorable to New York—Petition and remonstrance—Credentials—Charles Phelps—Novel punishment at Hertford—Letter of Richard Morris—Council of Appointment—Civil and military officers—Advice of Gov. Clinton to Col. Timothy Church—Act of the General Assembly of Vermont for the punishment of conspiracies—Isaac Tichenor's visit to the Yorkers—Anticipations of trouble—Meeting at Guilford—Letters from Gov. Clinton to Col. Church and to the supporters of the jurisdiction of New York—Determined conduct of the Yorkers—Col. Church resists the laws of Vermont—The command of the Vermont troops given to Ethan Allen—Preparations for attack and defence—The expedition—Col. Ira Allen's adventure—Bravery of Mrs. Timothy Phelps—Effects the escape of her husband—An amusing scene—Mr. Phelps is afterwards taken by Ethan Allen—The onset of the Guilfordites—Ethan Allen's famous proclamation—His force receives additions—The Yorkers imprisoned at Westminster—First day of the trial—Proofs of the seditious behavior of Church, Shattuck, Evans, and T. Phelps—Their sentence—Another attempt to take Charles Phelps—His library—Second day of the trial—Boasting of Ethan Allen—Remainder of the court session at Westminster—A special session at Marlborough—Trials and sentences—Samuel Ely's offence—His trial and punishment—Sufferings of the Yorkers.

THE excitement caused by this disturbance having partially subsided, representatives from the towns of Brattleborough, Guilford, Halifax, and Marlborough assembled in convention, on the 17th of May, and prepared a combined "remonstrance and petition" for the consideration of Governor Clinton. This production did not embody a specific narrative of the late resistance, but, in the most general terms, disclosed the fact that "intrigues, conspiracies, and insurrections" were "daily perpetrated" by the Vermonters; that warrants were frequently issued for the seizure of the persons and property of the petitioners; and that usurpations had been "valiantly opposed" by the friends of New York. The petitioners declared it to be their intention to defend their rights by force, until "proper authority" should be instituted. At the same time they acknowledged that their

defeat was certain, unless they should receive external aid. For these reasons they prayed the Governor to use his influence in obtaining the appointment of a sufficient number of "prudent, just, and faithful officers, both civil and military, of every kind necessary or proper for all the purposes of an organized government," who should be forthwith sworn into office, and permitted to enter upon their duties. They also asked for permission to convey prisoners to any jail in the state of New York. That the Vermonters might have no cause to charge them with indifference to the common cause, they desired the Governor to command his subjects in Cumberland and Gloucester counties to raise a reasonable quota of men for the war, and collect means for their payment and support.* The establishment of courts of civil and criminal jurisdiction was declared to be indispensable to their safety, and the only means by which their enemies could be punished for the violation of the rights of the subjects of New York.

Appended to this document were the credentials of Charles Phelps, who had been selected to carry it to Poughkeepsie. In these credentials the subjects discussed in the petition were rehearsed in brief, and a few topics were considered which had been omitted in the latter. Mr. Phelps was directed "to urge" the Governor "with all possible assiduity and zeal" to send Judge Morris and his associates into the county of Cumberland, for the purpose of holding a court of Oyer and Terminer. Such a course, it was argued, would tend to the speedy establishment of legal rights; and would prove to the citizens of Vermont the determination of the government of New York to protect its subjects from the ill treatment to which they were continually exposed. In the same paper Mr. Phelps was recommended as a proper person for first justice of the Inferior court of Cumberland county, whenever such a tribunal should be established.

The documentary force of the agent was completed by a third paper, entitled, "Reasons to Induce His Excellency the Governor, Judge Morris, the Attorney-General, and the Council of Appointment, to go into Cumberland and Gloucester Counties to appoint Civil and Military officers for the complete organizing them, and instituting civil and military Government and Courts

* Although the government of Vermont had divided the eastern portion of that state into the counties of Windham, Windsor, and Orange, as before stated, the supporters of the jurisdiction of New York recognised only the old divisions.

of Justice, as fully to all intents and purposes as in any other Counties in the State." These reasons were two in number. In the first place it was stated, that such a visit would "fully convince the New York state subjects" that the Legislature had determined to defend them from the encroachments of a rival power, and would "naturally embolden" them to exert themselves "in every possible, lawful, prudent manner," to support the government which offered them protection. A second result, it was declared, would be to "sink the hearts and deaden the resolution of all the Vermont party; intimidate their guilty and dejected minds; enfeeble their resolutions against us, and wholly enervate all their ambitious, malignant, avaricious, and despotic designs, so arrogantly formed against us and the righteous administration of the state." Such were the consequences which were expected to follow the exhibition in Vermont of some of the state officials of New York. The petition, credentials, and reasons, were all composed by Charles Phelps, and in style and argument, evinced an originality worthy of notice. Armed with these missives, the agent set out for Poughkeepsie, resolved to save the "half-ruined state" as he called New York, provided eloquence and logic were allowed to exert their proper influence.*

While in Windham county the difficulties which prevailed, seemed to spring principally from political causes, there would sometimes happen in other portions of the eastern section of the state disturbances originating in a dislike of the delay which usually accompanied the execution of law. An incident which occurred at Hertford, originated in a sentiment of this nature. John Billings of that town, having been guilty of some contemptible act, was threatened with punishment. This was inflicted in such a manner as to cause considerable physical suffering, and was humiliating in the extreme. On the night of the 30th of May, a party of men composed of Jedediah Leavins, Phinehas Killam, James Williams, Timothy Lull Jr., Aden Williams, Timothy Banister, Simeon Williams, Joab Belden, and William Miller, all of Hertford, and Moses Morse and Amos Robinson of Windsor, "with force and arms, unlawfully, riotously, and routously" assembled and assaulted the unfortunate citizen. As was more clearly set forth in the presentment of the grand jury, they "did beat, wound, and ill-treat" him by "placing him on

* George Clinton Papers, in N. Y. State Lib., vol. xv. doc. 4527.

an old horse without a saddle, tying his feet under the belly of said horse, and hanging to his feet a very heavy weight, and in that situation causing him to ride to a considerable distance, by which he suffered great pain and inconvenience." Scenes of violence are necessary concomitants of a new settlement. Vermont, it is seen, did not present an exception to the general rule. In the present instance, however, the law asserted its power, and the disturbers of the public peace and the infringers of Mr. Billings's personal rights, were punished by pecuniary mulcts, and were compelled to bear the costs of the prosecution.*

On his way to Poughkeepsie, Mr. Phelps visited Chief-justice Richard Morris at Claverack, and made known to him the object of his mission. He also detailed the events which had lately occurred in the southern part of Vermont; laid before the Judge the different papers with which he had been entrusted; informed him that the Governor, the Attorney-General, and the Council of Appointment were to start immediately for the disaffected district for the purpose of organizing a government and establishing courts of justice on a solid basis; and assured him that it was absolutely necessary that he should accompany them. Although several of these statements were gratuitous on the part of Phelps, yet they were pressed with so much urgency that they received immediate attention. "I cannot find out," wrote Morris to Clinton, on the 2d of June, with reference to Phelps, "that he wants me for any other purpose than to talk to the people, and I am sure that he so far excels me in that business, that I shall rather expose myself than be of any advantage. But jokes apart, if you are going into that country, and you think my presence will be useful, though I can illy spare the time or money that must be spent, I will, with pleasure, accompany you." He also expressed his concurrence in the contemplated movement to appoint officers in the counties of Cumberland and Gloucester.†

On reaching Poughkeepsie, Mr. Phelps committed the papers with which he had been entrusted to Governor Clinton. The Council of Appointment who were then in session, evinced a disposition suited to the emergency. They decided in the outset, that the loyal inhabitants of the northern district of the state were entitled to protection, and to the actual presence in

* MS. Court Papers.

† George Clinton Papers in N. Y. State Lib., vol. xv. doc. 4565.

their counties of proper civil and military officers selected from their own number. On the 5th of June, Charles Phelps, James Clay, Eleazer Patterson, Hilkiah Grout, Simon Stevens, Elijah Prouty, Michael Gilson, Samuel Bixby, Daniel Shepardson, Hezekiah Stowell, Bethuel Church, John Pannel, Nathan Fish, Joseph Winchester, and Daniel Kathan, were appointed justices of the peace for Cumberland county. In their commission, power was given them to order the arrest of those persons who should threaten any of "the good people" of the state, "in their persons, or in burning their houses," and to keep them "in prison safe," until they should find security for their good behavior. To the first seven persons named in the justices' commission, were also given the name and power of justices of the quorum; and to any three of this number was entrusted the "right to enquire by the oaths of good and lawful men," residents of the county, concerning such offences as were within the cognizance of a justice of the peace, and to determine upon them. They were also empowered to examine into the conduct of those who should "presume to go, or ride in company with armed force," for the purpose of opposing the people of the state of New York, or who should lie in wait with intent to maim or kill any of them; and they were further directed to take notice of all attempts to set aside the laws and ordinances of the state. The justices of the quorum were also appointed justices of the court of Oyer and Terminer, and general jail delivery. To Charles Phelps, James Clay, and Hilkiah Grout, was given power, as commissioners, to administer the oath of office to all civil and military appointees.

Of the regiment which had been established for several years in the southern part of the county of Cumberland, Timothy Church was appointed Lieutenant-Colonel Commandant; William Shattuck First Major, Henry Evans Second Major, and Joel Bigelow Adjutant. The commissions of all the officers were prepared without delay, and delivered to Mr. Phelps, who immediately set out on his return. He was also the bearer of two letters from Governor Clinton, one for the convention of the committees, and the other for Colonel Church. In the former, his Excellency stated that it had not been deemed advisable to appoint judges for the courts of Common Pleas, as the opening of those courts was not then "essential to the preservation of peace and good order," and might be attended with inconvenience; that it was not the intention of the state to

delay the "complete organization" of government in Cumberland county, but to await the proper time for such action; and that the proceedings of the Council of Appointment had been in accordance with the course which was deemed best calculated to advance the interests of the county. In the other letter, the Governor notified to Colonel Church his appointment; requested him to consult with others, and decide upon proper persons for captains and subaltern officers, in order that the formation of his regiment might be completed; exhorted him to protect the country from the depredations of the enemy, by sending out detachments of men whenever their presence would be of service; and desired him, in the execution of his office, to pay strict attention to the recommendations of Congress, by extending his authority over such only as professed allegiance to New York, "unless the conduct of the usurped government in contravening" those recommendations, should render "a contrary conduct indispensably necessary for the immediate protection and safety" of those whom he was bound to defend.*

At the session in June, the General Assembly of Vermont, knowing well what preparations the Yorkers were making to resist the execution of the laws of Vermont, determined to check their proceedings by persuasive measures, if possible, and if these should not succeed by compulsory laws. As an inceptive step, a resolution was adopted on the 19th of June, in which Isaac Tichenor was requested to repair to the towns of Brattleborough, Halifax, and Guilford, for the purpose of explaining the proceedings of Congress "to the disaffected, in a true light;" and using his "utmost exertions to unite the people in those towns" to the government of Vermont. On the same day an act was passed "for the punishment of conspiracies against the peace, liberty, and independence" of the state. Upon this act were based the indictments which were found against those who a few months later were declared guilty of treason. Its framers seem to have presupposed in its preparation, the very condition in which the state was so soon to be placed by the conflicts between the government and the opposition. The positions which were assumed in it, were sufficiently broad to answer the ends of those who had resolved to maintain the integrity of Vermont. Its terms were as follows:—

"Whereas, unanimity—the great strength and security of a

* George Clinton Papers in N. Y. State Lib., vol. xv. doc. 4574. MS. Commissions.

free and independent people—is necessary for the existence of a sovereign state; and whereas, insurrections may rise among the inhabitants of this state, fomented and stirred up by some designing persons, with a manifest intent to subvert and destroy the liberties and independence of the same—which evil to prevent—

“Be it enacted, and it is hereby enacted, by the representatives of the freemen of the state of Vermont in General Assembly met, and by the authority of the same, that when, and so often as, six or more persons shall assemble with weapons of terror, with a manifest intent to impede, hinder or disturb any officer of this state, in the execution of his office; or shall rescue any prisoner, in the custody of the law; or any goods, or chattels, legally distrained; and there shall be among said persons six, or more, who do not yield allegiance to the authority of this state, or have, and do deny the jurisdiction of the same; all and every person so offending shall suffer banishment or imprisonment, at the discretion of the Superior court, before whom said offenders shall be tried: and their goods, chattels, and estates, shall be seized, condemned, and sold, by order of the Superior court, as forfeited to the use of this state.

“And be it further enacted by the authority aforesaid that if any person or persons shall conspire or attempt any invasion, insurrection, or public rebellion against this state; or shall treacherously and perfidiously attempt the alteration or subversion of our frame of government, fundamentally established by the constitution of this state, by endeavoring the betraying of the same into the hands of any of the neighboring states, or any other power, and be thereof convicted before the Superior court, [such person or persons] shall suffer banishment or imprisonment, at the discretion of the said court; and the goods, chattels and estates of such offenders, shall be seized, condemned, and sold, as forfeited to the use of this state.

“And be it further enacted by the authority aforesaid, that if any person or persons, so banished, shall neglect to depart when ordered; or, when departed, shall return to this state, without first obtaining liberty from the General Assembly, and shall be thereof convicted, he or they shall suffer death.”*

In conformity with his appointment, Mr. Tichenor visited the most fractious of the southern towns in Vermont, and endeavored

* Journals Gen. Ass. Vt. Slade's Vt. State Papers, p. 454.

to expound to the people the proceedings of Congress relative to the affairs of the contending states. He informed them that Vermont was a state in every sense of the term; that their safety consisted in acknowledging its jurisdiction; that the law would inflict punishment in case they should not submit; and that the promises of protection and defence from New York were unreliable and fallacious. Although many believed that New York would not willingly desert her subjects in the hour of trial, yet the idea was also prevalent that she would be finally compelled to pursue this course.* Whatever may have been the effect of Mr. Tichenor's reasoning on those who had become wearied with resisting the authority of Vermont, there were some in whose minds it aroused a spirit more decided in its opposition to the new state. "I have sounded the minds of Vermonsters," wrote Charles Phelps to Governor Clinton, on the 10th of July, "and find that they dare not at present, in the four towns where the committees dwell, meddle with us Yorkers, if people don't come from Bennington county with weapons of terror to scare or frighten or fight us." He stated his belief that "people of property" would not dare to attack the Yorkers; and that those who should be so rash as to make any warlike demonstrations would be slaughtered as readily as the common enemy. To render the condition of the opposition more secure, he suggested that General Washington should order four field-pieces to be sent from Springfield to Brattleborough. A demonstration of this nature, he contended, would have more effect in preventing trouble, than a militia force of three hundred Yorkers raised without the sanction and orders of Washington. Further to encourage the Governor to sustain the friends of New York, Daniel Shepardson informed him, on the 15th of July, that some of the more northern towns in Vermont would unite in favor of the

* In reference to Mr. Tichenor's embassy, Gov. Clinton wrote to the Hon. James Duane, from Poughkeepsie, on the 5th of August, 1782, in these words: "Mr. Tichenor was sent among them [the friends of New York] by the leaders of the revolt, to endeavor to prevail upon them to submit to their government, and for this purpose made a very unfair use of the last report of the committee of Congress, by endeavoring to deceive them into an opinion that it was the general sense of Congress, and that a determination would accordingly soon be made in favor of their independency. Tho' I have reason to believe that Mr. Tichenor did not succeed in his intentions, yet by these acts and by inducing the people who live more exposed to believe that, while they continue connected with them, they have nothing to apprehend from the common enemy, they have in some degree defeated the effect which the pacific measures of our Legislature would have had on them." George Clinton Papers, in N. Y. State Lib., vol. xvi. doc. 4697.

New York jurisdiction, provided assurances could be given of assistance from head-quarters.*

From the activity displayed by the Vermont Legislature in passing and promulgating laws aimed directly at the extinction of the faction which refused to pay Vermont taxes or recognize Vermont legislation, and which was determined to resist by force the execution of measures not originating with the government of New York—it was evident that a blow was soon to be struck which would cripple the strength of the faction, or crush it for ever. The committees of the few towns which still continued loyal to New York were aware of this state of things when they assembled at Guilford on the 15th of July, to consult upon the course which they should adopt in case an appeal was had to arms. In their petition to Governor Clinton—the inevitable result of a meeting—they rehearsed the occurrences of the few weeks previous, and hinted their disquiet in words which almost announced it. That their own courage might be strengthened, the enemy terrified, and their “wavering brethren” encouraged, they besought the Governor to order the militia in the western part of New York to march against the Vermonters in case they should cross the mountains and commence hostilities upon the Yorkers in Cumberland county. They also asked for definite commands “to fight and stand” in their own defence. In order to nullify the arguments and eloquence which had been employed by Vermont in misconstruing the meaning of the resolves of Congress, they desired his Excellency to send an intelligent man to counteract the efforts of “Esquire Tichenor,” and to certify to the people to what extent they might depend upon New York in the support of her own jurisdiction. This petition and the other papers accompanying it, were forwarded by Mr. Cutbeth, who took the place of the regularly appointed messenger. In explanation of this substitution, the committees observed that they expected to have business for Major Shattuck, the Lieutenant-Colonel Commandant, “about home.”†

The messenger reached Kingston on the 24th of July. The Council of Appointment were again summoned, and the official list of the southern regiment was completed. Elisha Pierce was chosen Quarter-master, and six companies were

* George Clinton Papers in N. Y. State Lib., vol. xvi. docs. 4647, 4655.

† George Clinton Papers in N. Y. State Lib., vol. xvi. doc. 4654.

formed—two in Brattleborough, three in Guilford, and one in Halifax—each with a captain and the proper complement of subalterns. The commissions were immediately prepared and intrusted to Mr. Cutbeth, who was also the bearer of a letter from the Governor to Colonel Church. In this communication, dated the 26th of July, all who sided with the Colonel were earnestly exhorted to “preserve unanimity and firmness” among themselves, and reject the artifices which might be employed by their adversaries to “deceive and amuse” them. To the committees of the towns who had petitioned for aid in their extremity, Governor Clinton, in a letter of the same date, defined his position in terms full and explicit. As an explanation of the course which he had been obliged to pursue towards those who amid change and misfortune, had still remained loyal to the government of New York, it must be admitted that his language, though strictly true, was neither encouraging nor satisfactory.

“From the whole of my conduct respecting the controversy between the government of this state and its subjects on the ‘Grants,’” wrote he, “you must be persuaded of my sincere wishes and disposition to afford you every possible aid and support, though at the same time you can easily conceive that in our present condition, when every effort and attention is requisite to defend the remaining part of the state from being wholly ruined by the common enemy, it is not in my power positively to stipulate that any body of troops or militia shall march for your defence, should the usurped government of Vermont attempt to compel you by force of arms to submit to their jurisdiction. In being thus explicit with you, I would wish not to be understood as discouraging you in your opposition to the usurpation, for you may be assured that however the distresses we have experienced, and are still subject to from the war, may at present prevent us from employing the forces of the state in vindication of our rights, yet I have no reason to believe that the Legislature will ever relinquish their just claim to the territory in question, unless impelled thereto by the most inevitable necessity; neither do I think it probable, from the latest accounts I have received, that Congress will ever decide in favor of the pretensions of Vermont to independency, *and candor induces me to declare also, that there is little prospect of their deciding in favor of us.* The truth is, that the evidence in support of our claim to the jurisdiction of the

country, is so full and conclusive that there is no possibility of withholding a conviction from it; and although there may be individuals in Congress who, from motives of interest and policy, would wish to contract our limits, yet it is highly improbable that they will ever be able to influence Congress to make a decision favorable to their views, and especially as it is not submitted to Congress to determine arbitrarily, whether the 'Grants' shall be a separate, independent state, but only to make a judicial adjudication, on evidence, relative to the boundary of this state; nor have they by the confederation, power to create a new state.

"These matters you may rely on, notwithstanding the assertions of Mr. Tichenor and the other leaders of the revolt, and who, to countenance their assertions, may produce reports of committees which were introduced into Congress, not in expectation that they ever would be adopted, but solely with a view to keep the spirit of defection alive, and to counteract the endeavors of this state for the re-establishment of its jurisdiction by pacific, conciliatory measures.

"Congress, as I observed in a former letter to you, have expressly prohibited these people from the exercise of any authority over you, and have enjoined a similar prohibition on us with respect of persons who dispute our jurisdiction. This prohibition is not repealed by any subsequent act of Congress, and ought, therefore, to be observed by both parties, and you are sensible we have in every instance strictly observed the recommendation on our part, and should the usurped government of Vermont attempt to enforce their jurisdiction over you, by having recourse to compulsory, violent measures, your own prudence and virtue will dictate the mode and measure of opposition. The faith and honor of Congress while you conduct yourselves agreeable to their recommendation is concerned for your protection, and I now renew to you my assurances of every aid which may be in my power to afford you. Your interest and happiness are deeply concerned in the event of this controversy, and the success of it depends much on your zeal and prudence, on which I place great reliance."*

On the return of the messenger, the views of Governor Clinton were disclosed to all the principal leaders of the opposition. Efforts were now made to concentrate the strength of those who

* George Clinton Papers in N. Y. State Lib., vol. xvi, docs. 4679, 4680.

were unfriendly to the jurisdiction of Vermont. The "mode and measure" of the resistance which was to be employed, had been left to the "prudence and virtue" of those who still continued loyal to New York; but so unpleasant had their situation become, that the few plans which they arranged partook more of the spirit of revenge, than of a desire to defend themselves from the further imposition of the taxes and decrees emanating from Vermont. They openly declared that they expected assistance from New York, and that there would be "terrible times," should a force from the other side of the mountains be sent to oppose them. On one occasion, when they were assembled to consult upon the adoption of measures for defence, a proposition was made that a vote should be taken for the purpose of ascertaining the number of those who were willing to "disannul all the authority of Vermont." This method of expressing a determination so important not being deemed sufficiently demonstrative by those who were most violent in their antipathy to the new state, a pledge was substituted in place of the vote, and the majority of those present bound themselves to "oppose the state of Vermont even to blood." Some, who desired to render the pledge more binding, at the close of the meeting formed a ring on the green which fronted the building in which they had been assembled, and renewed and confirmed the pledge in a solemn and imposing manner. Aware that preparations were on foot to withstand any attempts that might be made to enforce the laws of Vermont, Ira Allen was sent to Brattleborough and Guilford on the 14th of August, with directions to "observe the motions of the people" who were favorable to New York, in order that Governor Chittenden might determine upon the proper time to carry into effect the act of the Legislature concerning conspiracies which had been passed with special reference to the present condition of the southern section of Windham county. Scarcely had he accomplished the object of his journey, when an event occurred which proved that the new government could not be too active in its intended operations.

In a Justice's court in Windham county, organized by authority derived from the laws of Vermont, and held by John Bridgman, judgment had been rendered, on the 29th of July, against Timothy Church of Brattleborough, at the suit of Gershom Orvis. A writ of execution was accordingly issued on the 8th of August, and Jonathan Hunt, the high sheriff of the county by appointment of Vermont, was directed to levy on the

goods of said Church, and in case of a deficiency to commit him to prison. Church, being a Yorker, did not recognize the authority of Vermont and determined to resist it. On the 22d of August, the sheriff waited on Church and made his demand. Church refused to satisfy it, and declared that nothing should be taken off his farm unless the sheriff should prove the "stouter" man of the two. The sheriff then approached Church and claimed him as his prisoner. By this time, there had assembled at Church's dwelling a number of his friends, who had resolved that he should not be taken unless by a voluntary submission. When the sheriff endeavored with the help of some of his assistants to drag Church from the house, the latter resisted and plainly told the sheriff that he would not go. In the further exercise of his authority, the sheriff commanded Joseph Chamberlain, Joseph Whipple, and Jonathan Church, to aid him. "He is not agoing to take Church, my word for it," said Chamberlain to his companions, and, before the sheriff could secure his prisoner, the three Yorkers whom he had ordered to assist him, had blocked up the door-way and released Church from the grasp of the law. Content to await the time when the civil should be supported by the military arm, the sheriff and his assistants departed, not at all displeased that the resistance with which they had met, was to furnish them with a most potent argument in pursuing the course upon which the state had already determined.

On the 21st of June, the time of the passage of the act for the "punishment of conspiracies," another act had been adopted, by which authority was given to the Governor as Captain-General, to direct any officer in the state to raise men, and employ them in assisting the sheriffs, in their respective counties, in the performance of their duties. By the same act, the Commissary-General was authorized to furnish the men so raised with the necessary stores. Having been foiled in his attempts to enforce the laws of the state, the sheriff of Windham county made application for a military force to support him. At a meeting of the Council, held on the 29th of August, his application was presented, and a resolution was passed recommending to Governor Chittenden "to raise one hundred and fifty men as volunteers" within Col. Ebenezer Walbridge's regiment on the west side of the mountains for the purpose of aiding the civil authority of the state in Windham county. The Governor was also requested to place the volunteer troops, and all others which should be

raised for this service, in the command of Brig.-Gen. Ethan Allen. On the 2d of September, the Governor, willing to employ efficient means to quell the insubordination of the Yorkers, empowered Ethan Allen to raise two hundred and fifty men; one hundred and fifty in Walbridge's regiment, and one hundred in the regiment commanded by Col. Ira Allen, and to march them into Windham county, as a *posse comitatus* for the assistance of the civil authority. Consultations were now held; ammunition and provisions were collected; the order of march was settled; and messengers riding post, between Bennington and Brattleborough, kept the friends of Vermont on both sides of the mountains informed as to the measures which were then in progress. Precautions were also taken that the plans of the Vermonters should be kept secret. Guards were placed on the several roads crossing the mountains, who detained all persons going eastward with the exception of the messengers. So effective was this vigilance, that the Yorkers were only apprised by faint and uncertain rumors, of the events which were so soon to happen.

A week had passed since Ethan Allen had been placed in command of the troops, and the preparations which he and his associates had been making were now completed. On the evening of Sunday the 8th of September, the various companies from the towns in Bennington and Rutland counties, began to collect at Bennington, which place had been selected as a rendezvous for the troops. Portions of the regiments of Colonels Walbridge and Allen had volunteered their services on behalf of the state, and although the force was not as large as that which Governor Chittenden had wished to raise, its appearance was in no measure contemptible. Long before sunrise on Monday the 9th, the whole party numbering about two hundred men, mounted, and under the command of Ethan Allen, were under full march towards the seat of conflict. On reaching Marlborough, Ira Allen, with a force of twenty men, was dispatched to arrest Timothy Phelps who resided in that town, while the rest of the company pushed forward to engage in exploits of equal daring.

Being a warm friend and hearty supporter of the jurisdiction of New York, Timothy Phelps had for a long time been regarded with especial hatred by the Vermonters. His late acceptance of the office of high sheriff of Cumberland county had not tended to lessen this impression, and the violence of his temper had rendered him, in the opinion of his opponents, as much an

object of fear as of dislike. Already had one officer acting under Vermont experienced the unpleasant effects of his rage, and felt the force of his nerved and steady arm. The circumstance was on this wise. One morning as Mr. Phelps, pitchfork in hand, was feeding his oxen, a constable with a few attendants appeared, made proclamation that he should distrain the oxen for taxes, and proceeded to drive them off. Determined not to submit without a struggle, to a power which he scorned to recognize, Phelps placed himself before the oxen, armed with his pitchfork, and ordered the constable to desist at his peril. To this command the constable paid no attention, but persisted in his attempt to take the cattle. Enraged at this conduct, Phelps raised his fork, and, swinging it with good effect, laid the officer senseless on the ground. Seeing their leader fall, the assistants fled, while Phelps after securing his property went about his business, leaving the discomfited constable to depart at his leisure.

Such was the man whom Ira Allen was now seeking to encounter. Desirous of availing himself of every means which would increase his chance of success, he determined to secure the co-operation of some of the residents of the town, and for this purpose waited on Col. William Williams, and explained to him the cause of his visit. This gentleman, remarkable for manly beauty, elegance of form, and agreeableness of manners, was also distinguished for his bravery and enterprise, and had been more active and useful in the settlement of the town than any of his contemporaries. At the battle of Bennington, he had distinguished himself at the head of his regiment, and was now an open and avowed supporter of the government of Vermont. His pleasant residence, built upon an eminence west of Mill brook, was in full view of the dwelling of Mr. Phelps, between whose family and his own, notwithstanding the difference in their political opinions, an intimacy existed which had not yet been embittered by jealousy or distrust. He was now called on as a citizen of the state to assist in the execution of its laws, and he could not consistently with loyalty or honor refuse to obey the summons.

In accordance with her usual custom on this day, sacred to the rites of the wash-tub and the pounding barrel, Mrs. Phelps with three attendants, namely, a maid-servant, a little flax-haired alms-house boy about ten years of age, named Caleb Pond—who then, as in after life, manifested that prudence,

keenness, artifice, and tact, which were the basis of his success in whatever work he engaged—and her son John, had repaired to a little arbor near the fording of Mill brook, for the purpose of “doing up the weekly washing.” She had hardly got well into the suds when her attention was attracted by the tramp of feet, and looking up from her work she saw, splashing into the ford-way, more than forty armed men, (for the party had been doubled since it entered Marlborough) all mounted, with swords glittering in the sunlight, piloted and conducted—as she noticed with sorrow and surprise—by her old friend and neighbor Colonel Williams. As soon as they had reached the spot where she was stationed, with the spirit of a noble woman whose privacy had been invaded, and with an air as undaunted as that of a hero, she stepped forward and said: “Colonel Williams, you grieve and amaze me. I had not expected such meanness and treachery from a friend like you.” With these words, and without waiting to hear the apology which Williams was striving to stammer out, she took her son by the hand, and having ordered her maid to run on, proceeded with quickened step towards her residence a quarter of a mile distant. Meantime the attentive little flaxen-haired youth, having, as if by instinct, snuffed the object of this warlike movement, betook himself off with greyhound speed, in the same direction, but by another route. Favored by the cover of a grove of poplars, he succeeded in reaching the house without attracting attention, and warned his master of the danger which threatened. No second intimation was needed, and in a few minutes Phelps had gained a place of concealment, as satisfactory to himself as it was difficult of detection by his pursuers.

Crestfallen and ashamed, Williams had disappeared by some obscure pathway, leaving Allen and his company to act as their own guides. Arriving at their destination, the gallant horsemen wheeled in great military display, and having ridden around the house two or three times, dismounted, forced the door, and went in. Mrs. Phelps, who with her son had approached by a shorter route, entered her dwelling a few moments later, to find it filled by the soldiers whom she had encountered at the brook. “Cowardly miscreants!” she exclaimed, as she glared upon them with a look of scornful contempt. A volley of angry eloquence followed this fierce beginning, and the downcast looks and uneasy movements of the party showed but too plainly how poorly they were prepared to bear

the taunts of a justly enraged woman. Many of them were gentlemen of true spirit, yet on this novel occasion, generous and gallant though they might be, they were perplexed to know how to act. Wishing to end their unpleasant task as speedily as possible, they desired Mrs. Phelps to conduct them to her husband. Her reply was a refusal to gratify their wishes, and a defiance of their power. Enraged at their persistence in searching and inquiring for Mr. Phelps, his loyal wife endeavored to drive them from the house. Armed with a large kitchen fire-shovel, she warned them to leave, in a firm though stormy and indignant manner. With her little boy at her apron strings, she pursued her unwelcome visitors not only with fierce looks, but with quickened steps and threatening gestures. At one time one might have seen them dodging into a corner, as if to escape an impending blow; at another, endeavoring to provoke a laugh by some affected attempt at wit. But such a scene could not long continue. Her opponents were men whose lessons in the school of humanity had not tended to make them proficient in the employment in which they were now engaged, or taught them to make war on a defenceless woman, or ruthlessly break the door of her private chamber. The affair had by degrees assumed a farcical aspect. A smile was seen on this face and a smile on that. Pleasant expressions of countenance multiplied in all directions. A laugh followed—a general laugh, in which not only the brave soldiers, but the heroic woman and her little boy all joined. Good feeling was restored, and then the party were told by Mrs. Phelps in a solemn manner, that her husband was not in the house. Satisfied with this statement, which was true, they apologized for the conduct which they had been obliged to exhibit, and departed with words of courtesy and respect.

Although Phelps had escaped the present danger, through the interference of his wife, yet his prudence did not avail to protect him from the search of his pursuers. Whether a guard was set to watch for his appearance, or whether, as is most likely, he chose to suffer with his friends, and with this design showed himself in public, does not plainly appear. Before the day had closed he was a prisoner in the hands of the Vermonters. The circumstances of his capture rest partly on tradition. As Ethan Allen approached him, Phelps in a loud voice announced himself as the high sheriff of Cumberland county, bade Allen go about his business, denounced his conduct and

that of his men as riotous, and ordered the military to disperse. With his usual roughness, Allen knocked the hat from the head of the doughty sheriff, ordered his attendants to "take the d—d rascal off," and galloped away to superintend the operations of other portions of his forces.

Since morning the strength of the Vermonters had been considerably augmented by the militia of Windham county. Captain Warren of Marlborough had brought twenty-seven men into service; Captain Duncan of Dummerston eighty-three; Captain Wheeler of Wilmington forty-six; Lieutenant Moor of Cumberland twenty; and another officer twenty. By these additions from the brigade of Brig.-Gen. Samuel Fletcher, who commanded in person, and who was supported by Col. Stephen R. Bradley, Lieut.-Col. Charles Kathan, and Adj. Elkanah Day, the Vermonters were able to present a force of four hundred men, ready to act as should best serve the purposes and welfare of the state. Detachments had been sent into the towns of Brattleborough, Halifax, and Guilford. In the latter place, Ethan Allen towards the close of the day awaited the arrival of prisoners from the neighboring towns. Col. Walbridge, who, with a party of men, had been sent into Halifax, succeeded in arresting Maj. William Shattuck, Capt. Thomas Baker, and Ensign David Lamb, three of the leading Yorkers in that town, and conducted them under a strong guard to head-quarters. In Guilford, Maj. Henry Evans and a number of others were taken, and although resistance was offered, yet the Vermonters were not only too numerous, but were also too free in the use of powder and ball to be overcome by their surprised and unarmed opponents.

In the evening, with the view of reaching Brattleborough that night, Ethan Allen, with his troops and prisoners, left Guilford. Meantime the Guilfordites had assembled, with a determination to defend their lives and property, and to the number of forty-six had stationed themselves by the side of the road over which the Vermonters were to pass. As the latter came in sight, they were received by a volley from which they were glad to retire with all the speed which they could command from their jaded horses. Having reached a place of security, a consultation was held, and propositions of a savage nature were discussed during the half hour they were in conclave. Some demanded of their leader that a prisoner should be sacrificed for each one of his men who should be killed by the Yorkers, while others advocated the observance of the common rules of war-

fare. Aware of the power of his presence, and of the terror which he was able to inspire in others, Allen again placed himself at the head of his men, and having ordered that mercy should be shown to no one who should offer resistance, returned on foot to Guilford. He advanced without molestation, and on reaching the town made proclamation to the people in these words:—
“I, Ethan Allen, do declare that I will give no quarter to the man, woman, or child who shall oppose me, and unless the inhabitants of Guilford peacefully submit to the authority of Vermont, I swear that I will lay it as desolate as Sodom and Gomorrah, by God.” Words like these uttered by one whose name was a terror, and supported by men enraged and resolute, could not be disregarded with impunity. No sooner did the attack begin than the terrified Guilfordites fled in the utmost confusion, leaving behind them neither the dead, the dying, nor the wounded—leaving nothing but the remembrance of their presence and the prints of their retreating footsteps. Allen and his detachment, satisfied with their victory, were allowed to make their journey to Brattleborough without further molestation.

On reaching this place, the party was augmented by the detachments which had been sent in pursuit of offenders, and by a number of prisoners. Among the latter was Timothy Church, Lieut.-Colonel Commandant by appointment of Governor Clinton, of the militia in Cumberland county. On the 10th, the prisoners set out under a strong guard for Westminster. To ensure protection to his men, general orders were given by Ethan Allen to kill without quarter any person who should fire upon the troops; and the greatest precaution was taken to prevent a rescue on the part of the Yorkers. As soon as the irruption of Allen and his troops became known, many of the military companies in the county immediately marched to his aid, and placed themselves at his service. The militia of the west parish of Westminster, though regularly organized, were for some time in doubt as to the course they ought to take. True to the cause of Vermont, they were still unwilling to assist in disturbing their neighbors, who differed from them on the question of jurisdiction. But on the morning of Tuesday the 10th, although their captain, Deacon Ephraim Ranney, refused to lead them, they concluded to wait on Gen. Allen, and with this intention were advancing towards Brattleborough, when, on the “edge of Dummerston” they met him and his forces.

Turning about they joined his retinue and accompanied him to Westminster where the prisoners, twenty in number, were lodged in the jail which was guarded by a strong force.

Though deprived of their liberty, the captives were not restrained in the use of the tongue. Phelps declared, that as sheriff of Cumberland county he had a right to command the jail, but the assertion had no perceptible effect, either on Jonathan Hunt the sheriff of Windham county or on George Foot the jailer. "You have used us well," said Church to the guards, "and I expect soon to have you confined, and I will treat you likewise. To-morrow morning, by nine or ten o'clock, you shall be here in our stead, and we will be walking about." Evans entertained the same opinion; and they all announced with confidence the speedy arrival of a force from New York which would release them from prison, and punish the mob for their insolent and seditious behavior.

But their predictions, with whatever sincerity they might have been uttered, were not to be fulfilled. On the 11th, a special term of the Superior court was commenced at Westminster. The bench was occupied by Moses Robinson, the chief judge, and by Dr. Jonas Fay, John Fassett, and Paul Spooner, side judges. Stephen Row Bradley appeared as the state's attorney, and William Gould as clerk. A grand jury was drawn of which William Simonds was foreman, and the court was declared duly organized. In the means which had been employed to arrest the obnoxious Yorkers, little attention had been paid to legal forms, and the civil had been almost wholly superseded by the military arm. For this reason great care was now taken that all omissions should be supplied, lest the disregard of laws and statutes which had been manifested should be quoted as a precedent on some future occasion. The principal offenders were first brought to trial. The presentment made by the grand jury, contained charges against Timothy Church, William Shattuck, Henry Evans, Timothy Phelps and Charles Phelps. In the quaint, but emphatic language of the old forms, "not having God before their eyes, but being moved and seduced by the instigation of the Devil," it was asserted that, on the 1st of August preceding, at Guilford, and on other occasions, both before and after that time, they did "with force and arms treacherously and perfidiously conspire an invasion, insurrection, and public rebellion against this state, by their treacherously assembling together, consulting and

advising together of the means to destroy the constitution of this state, and subvert the freedom and independence of the government thereof." It was also charged, that in order to accomplish these ends, and to bring the government into the hands of the people of the state of New York, they had written letters and sent messengers to Governor George Clinton, calculated to incite him to invade the state of Vermont; and that they had often met for the purpose of imprisoning the freemen of the state, and withstanding its lawful authority. Strenuous efforts had been made to arrest Charles Phelps, whose name was included in this indictment, but he had succeeded in eluding the vigilance of the militia. All the others against whom charges were found were called to the bar, and being put to plead, pleaded not guilty, and for trial "threw themselves on the country." A jury was accordingly empanelled and the trial began.

In support of the charges alleged, fifteen witnesses appeared who testified to the seditious behavior of the accused both in word and act, on many occasions during the preceding six months. It was shown that Church had refused to submit to an execution which had been levied upon his property (or, in case this could not be seized upon, himself), and, that he, with the aid of his friends, had resisted and repulsed the sheriff when he endeavored to arrest him; that he had received the civil and military commission papers which had been sent from New York, and had distributed them as directed; that he had always been at the committee meetings of the Yorkers, and had encouraged the people to opposition by asserting that Gov. Clinton had engaged to send an armed force into the county, and by adding his opinion that the Governor would be as good as his word. But it also appeared that he had distrusted the issue of the cause in which he was engaged, for he had once stated that if the Yorkers could not carry their points, he would submit to the government of Vermont. It was proved that Shattuck, when starting for New York early in the summer, had boasted that he should obtain assistance from government, and would "drive the matter warmly" when he returned; that he had counselled the people to continue their opposition to Vermont; had declared that he would do all that he could both in public and private to oppose the state; and had verified this declaration by his acts. The testimony concerning Evans showed that he had often avowed his determination to with-

stand the jurisdiction of Vermont even "unto blood," and to use his own words, had declared his readiness "to try it on" whenever the Vermonters should see fit to fight; that he had resisted Vermont constables; had assisted in rescuing property that had been lawfully seized by the sheriff; and had expressed his hatred of the new state and its officers in the most violent and seditious terms. Evidence was also adduced, proving that Timothy Phelps, in the capacity of high sheriff of Cumberland county by appointment of New York, had often said that he would execute warrants "at the risk of his life;" that he had even endeavored to seize a Vermont constable, and had in one instance arrested a man, conveyed him to his (Phelps's) house, and there kept him under guard until he was retaken by his friends.

Such was the nature of the testimony introduced by the prosecuting attorney. It does not appear that any attempt was made by the defendants to disprove the statements of the opposing witnesses, and in this condition the cases were left with the jury. By their verdict the delinquents were found "guilty of the facts charged in the indictment." The court therefore gave judgment "that Timothy Church, William Shattuck, Henry Evans and Timothy Phelps be each of them taken from the bar of this court back to the common gaol of this county, there to remain in close imprisonment until the 4th day of October next; and that they be then taken by the sheriff of the said county from the said common gaol and carried without the limits of this state; and that they be then and there forever banished from this state, not to return thereto on penalty of death; and that all their goods, chattels, and estates be condemned, seized and sold, as forfeited to the use of this state." The first part of this sentence was immediately carried into execution, and the prisoners were confined in the jail rooms on the lower floor in the north part of the building in which the court were convened. Attachments were also issued, and officers were dispatched to take the property of the criminals. Of the effects of Shattuck, a constable made return that he had attached "about eighty acres of land in Halifax, with the buildings thereon standing; about ten tons of hay; a small quantity of rye in sheaf; a considerable quantity of flax spread on the ground; and about two or three acres of Indian corn standing on the ground." In the words of Timothy Phelps, "all his goods were sold, except his wife's apparel, the beds, and one cow." The estates of the others were taken in like

manner, and the proceeds of the sales which followed, were appropriated to the use of the state.

Although Ethan Allen and his men had failed in their attempt to arrest Charles Phelps, another effort, instigated by the state's attorney, was made to take him. In the complaint presented to the court in this case, charges similar to those which had been brought against the other offenders were preferred. In addition to these it was stated that Phelps had brought into the state of Vermont, "a seditious libel, tending to stir up a public rebellion;" that he had written, printed, and published abroad, "a seditious libel, with a manifest intent, wittingly and designedly to raise an insurrection and public rebellion" against the state; and that there was the highest reason to believe that there were in his possession "a number of books, writings, and manuscripts," whose tendency was to weaken and destroy the government and constitution as established. A warrant for his arrest, and for the seizure of his books, was accordingly issued. The search for Phelps was unsuccessful, but his books and manuscripts were seized, and having been brought into court were retained as confiscated to the state. Such of them as were obnoxious were probably destroyed or concealed, and the remainder were sold under the hammer.*

On the 12th a number of the other delinquents were brought to trial. Complaint was made against Joseph Chamberlain, Joseph Whipple, and Jonathan Church, who, on the 22d of August previous, had rescued Timothy Church from the hands of the sheriff as has already been related. Chamberlain was adjudged guilty of participating in this act, and was sentenced

* The library of Charles Phelps, was, it is supposed, the most valuable in the state of Vermont, at the period to which allusion is made. The sale of this collection, enriched many a previously scantily-supplied shelf. Even now the old volumes of this uncompromising Yorker, are to be found scattered here and there in the farm houses of the descendants of those who bought them in those troublous times. Among the works seized by the sheriff, were a number belonging to Mr Phelps's son, Solomon. By a special order of the court granted at the session in February 1783, it appears that "Salkeld's Reports, 1 vol., Milton's Paradise Lost, Telemachus, 2 vols., Lord Bacon's Essays, and such other books as the said Solomon Phelps's name is inserted in," were restored to that gentleman. This disposition to make restitution did not long continue. By an entry in the Journals of the Assembly of Vermont under date of the 14th of October, 1783, it appears that "the petition of Solomon Phelps representing that a number of his books, seized by order of the Supreme court, are in the possession of Stephen R. Bradley, Esq., and praying an order of this House for the restoration thereof," was read, and dismissed by a resolution.

to pay a fine of £20, also the costs of prosecution, and to stand committed until judgment should be complied with. Of those who had been engaged at Guilford on the 10th of May preceding, in rescuing a cow which had been taken on execution by deputy sheriff Barzillai Rice, Joseph Peck who acted as a ringleader on that occasion, was declared guilty of the charges preferred against him, and was mulcted in the sum of £30 and costs. Asaph Carpenter, Edward Carpenter, and Shubael Bullock who had assisted in the rescue, were fined £20 and costs. Stephen Chase who pleaded guilty to the same charge, was released on giving bail to the amount of £30, to be forfeited in case he should leave town without the order of the court. On the following week he was fined £4 and costs.* A presentment was then made by the grand jury charging that Joseph Peck, "on the 1st day of July last past, not being a continental officer, did accept and hold a commission, not derived from the authority of the people of this state, to wit, a commission of captain of part of the militia of Guilford, under the authority of the people of the state of New York, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the freemen of the state of Vermont." The charge was not, however, sustained. Peck was declared not guilty, but was obliged to discharge the costs of prosecution. This failure to prove the accusation, arose from an error in the indictment. It was charged that he held a captaincy under New York, "on or about the 1st day of July last past." His commission, on the contrary, bore date the 24th of July, and he did not receive it until the beginning of August. Twenty other persons were presented by the grand jury as holding commissions derived from New York, but as many of them had not been arrested, it was thought best to delay the prosecution, and the cases were for the present reserved.

The circumstance and result of the irruption of the Vermonters, were early made known to the border residents of New Hampshire and Massachusetts, and were accompanied with earnest and oft-repeated applications from the Yorkers for assistance. Some of the inhabitants of Massachusetts were disposed to grant the desired aid, and letters and messengers were dispatched in various directions to ascertain the opinions of

* In answer to an application made by Chase, the fine was remitted by a resolution of the Council of Vermont, passed June 8th, 1785.

those with whom rested the power of deciding upon the propriety of interference. One officer wrote to another in these words:—"I recommend it to your wise and prudent consideration, if it be not our duty to recommend it to our officers and soldiers to ride up, armed well, to Guilford where they are committing those war hostilities." Then, referring to the Yorkers, he added:—"You and I are, with all the United States, bound by the confederacy to protect them from all such violence." But a sentiment adverse to interference prevailed, and Vermont and New York, occupying now a position clearly antagonistic, were left to pursue the course which strength or policy might dictate.

Flushed with success, Ethan Allen was unable to restrain his blatant boasting and vulgar oaths. Against Clinton, in particular, did his wordy rage vent itself in torrents of abuse. "Had I but the orders," said he, "I could go to Albany and be head monarch in three weeks, and I have a good mind to do it." In an interview which he held with Shattuck, he endeavored to persuade him to renounce his allegiance to New York, and unite with Vermont; assured him that Congress had no right to pass any resolutions respecting Vermont; and employed a variety of arguments to show that Congress were in reality willing that Vermont should be a separate state. This latter argument was also made use of by the state's attorney. "You are deceived by Congress," said he to the prisoners; "you have placed your dependence upon the hope of obtaining from them a decisive resolution favorable to your desires, and have been duped."

The remainder of the session was occupied in disposing of such minor matters as required immediate attention. Knowing that the arrest of many of those who had been charged with seditious behavior would be attended with great difficulty, the court chose to pursue towards them a method more stringent even than that which had been already adopted. By a stretch of power they resolved on the 13th, to seize and confiscate the estates of the Yorkers against whom they held warrants but whose persons they could not find. To enforce this resolution, Ethan Allen determined to make a new levy, and requested Gen. Fletcher to raise in his brigade "two hundred able, effective men, equipt for war to assist the civil authority in carrying into execution" the laws of the state. Of this number, Fletcher desired Col. Stephen R. Bradley to raise in his regiment one

half, either "by draft or volunteers;" to supply them with three days' provisions; and march them "so as to rendezvous at Landlord Arms's in Brattleborough on Monday evening next in order to advance to Guilford on Tuesday morning."

Aided by a *posse comitatus* of such power, the sheriff and his assistants experienced but little difficulty, and no opposition, in performing the task assigned them. The result of their foray was entirely successful. The terrified Yorkers fearing Ethan Allen "more than the devil" as some of them declared, fled from their farms and dwellings at his approach, leaving everything at the mercy of their opponents. Upon these deserted premises the Vermonters entered, taking in the name of the state whatever they desired. They drove off one hundred and fifty head of cattle besides sheep and hogs unnumbered. They took possession of barns well filled with produce, thrashed out the grain and carried it away. They left warrants for those whose property they had despoiled, but whose persons they had not yet taken, and informed them by message that they would be bound for trial or committed to jail should they be once arrested. On Saturday, the 14th, the court adjourned *sine die*, and the prisoners who had not yet been brought to trial, and who had been taken since the session began, numbering thirteen in all, were subsequently marched to Marlborough there to await the further order of their captors.

In order to satisfy the demands of justice, another special session of the court was commenced at Marlborough, on Tuesday, the 17th. On this occasion the indictments were drawn with care, and no difficulty was experienced in obtaining a conviction. Hezekiah Broad, Daniel Lynd, Joshua Lynd, and Samuel Melendy, all of Guilford, pleaded guilty to the charge of having been engaged in rescuing a cow from the hands of the deputy sheriff on the 10th of May previous. Broad was fined £12; Daniel Lynd, £4; and Melendy £3. Each was required to discharge the costs of his suit, and to enter into a recognizance to the amount of £50 "to be of good behavior towards all the good and liege subjects of this state, till the 1st day of February, A. D. 1783." Joshua Lynd was mulcted in the sum of £2 and costs. Thomas Baker confessed to the acceptance from the state of New York, of a captaincy in the militia company of Halifax; David Lamb to the acceptance of an ensigncy in the same organization; Simeon Ferrel and Isaac Weld to the acceptance, the one of an ensigncy and the other of a lieutenancy

in the Guilford militia ; and John Alexander to the acceptance of a lieutenant's commission in one of the companies of Brattleborough. Baker's fine and costs were fixed at £7 15s. 6d. ; those of Lamb, at £7. Weld was fined £2 10s. and costs. Ferrel* and Alexander were mulcted the one in the sum of £2, and the other in the sum of £20 ; both were charged with costs and were required to enter into a recognizance of £50 each, to be forfeited in case they should not act with propriety during the next four months and a half. Joseph Coleman and Eleazer Church charged with disobedience to the laws of the state, gave bonds for their good behavior and were acquitted without fine.

On the 19th, the last day of the session, Samuel Ely of Conway, in the county of Hampshire, Massachusetts, but lately a resident in the town of Wilmington, Vermont, was brought to the bar for trial. A bold, but rash and impetuous man, he had served in the battle of Bennington as a volunteer, and being connected with no company or regiment had fought without the advice or direction of any person. He had been court-martialed after the action on account of his singular conduct in retaining a large amount of valuable plunder, but had been honorably discharged on proof that he had taken only such articles as he had won in his own independent method of warfare. Since that period his restlessness had engaged him in many scenes of an unpleasant nature, and had finally resulted in his arrest under the laws of Vermont. In the presentment of the state's attorney, it was charged that the prisoner, "not having God before his eyes, but being moved and seduced by the instigation of the Devil ; and little regarding the laws of this state or the penalties in the same contained ; and being a pernicious and seditious man, and a person of depraved, impious and disquiet mind, and of a seditious disposition and conversation ; and contriving, practising, and falsely, maliciously, turbulently, and seditiously intending the peace and common tranquillity of the freemen of the state of Vermont to disquiet, molest, and disturb ; and to bring his Excellency, Thomas Chittenden, Esq., Governor of said state, the Honorable Council and House of Representatives (being the general supreme court of justice in the afore-

* At the conclusion of the trial, Weld took the oath of allegiance to Vermont in open court. By an entry in the Council records of the state, dated Westminster, October 18th, 1788, and signed by Lot Hall, secretary *pro tempore*, it appears that the fines of Weld and Ferrel were remitted on that occasion, upon the plea of Thomas Cutler.

said state of Vermont,) and the proceedings of the same into great hatred, contempt and scandal with all the good and faithful subjects of this state; and the magistrates, judges and justices within said state, and the generals, colonels, captains and other military officers of this state to scandalize, villify and bring into contempt"—in the presentment it was charged that the prisoner influenced by these unworthy motives, and in order "his most wicked contrivances, practices, and intentions aforesaid to compleat, perfect and render effectual," did on the 10th of July preceding, and at other times, "say, assert, affirm and pronounce, and with a loud voice did declare these false, malicious, seditious and opprobrious English words following, that is to say:—"The state of Vermont is a damned state, and the act for the purpose of raising ten shillings upon every hundred acres of land is a cursed act, and they that made it are a cursed body of men.'" It was also asserted that "in further prosecution of his malice" he did publicly declare "that the general or supreme court aforesaid were a pack of villains, and that if no other person would undertake to overturn or destroy the government of Vermont, he, the said Ely, would do it, and he had got that in his pocket which would overset them." In addition to these charges it was alleged that he did "damn the state of Vermont and all its officers, and did curse the laws of the same as passed by the General Assembly thereof." Such were the accusations which the redoubtable Ely was called upon to confront.

Witnesses from Wilmington testified to the truth of the charges, and the jury announced to the court through their foreman Jonathan Underwood, their decision that the prisoner was guilty of a breach of an act of the state, entitled "An act for the punishment of defamation." In conformity with the choice vested in the court to punish defamers by fine, imprisonment, disfranchisement or banishment, according to the nature of the offence, Ely was ordered to be taken to the guard house in Marlborough; thence, on the morrow to be conveyed to the limits of the state; to be then banished and forbidden to return until eighteen months from date should have expired, on penalty of being imprisoned the same length of time.

With this trial ended the first resolute attempt of the government of Vermont to enforce obedience to the laws of the state by the civil and military arm combined. The proceedings attendant upon this manifestation, were, in some instances,

unnecessarily severe and cruel. Many of the prisoners during their confinement at Westminster and Marlborough, suffered severely from want of food and other necessities. Two of them, during eleven days' imprisonment, were allowed but four meals of victuals by their guards. Ethan Allen himself acknowledged, that the method which had been pursued by him was "a savage way to support government." At the same time he declared that he could not have carried his point in any other manner. Satisfied with the policy that had induced these acts, he and his friends exchanged congratulations at the part they had taken in the Guilford war, and made known their determination to present to Congress a full report of their doings.*

* MS. Records of Superior court of Vt., Sept., 1782. MS. Depositions. Laws of Vt. Various MS. Testimony, Letters, Affidavits, etc. Thompson's Gazetteer, p. 143.

CHAPTER XVII.

ATTEMPTS TO OBTAIN THE INTERFERENCE OF CONGRESS.

Charles Phelps and Joel Bigelow repair to Poughkeepsie—Public and private letters of Gov. Clinton to the New York delegates in Congress—Clinton to Bigelow—New York delegates to Clinton—Depositions of Yorkers—C. Phelps proceeds to Philadelphia—Church, Shattuck, Evans, and T. Phelps—Statement of grievances by the New York adherents—Shattuck and Evans with Gov. Clinton—C. Phelps before Congress—Shattuck and Evans visit Philadelphia—Action of Congress—Persistence of C. Phelps—Congressional resolves—Destitution of Shattuck, Evans, and C. Phelps—Resolutions of the 5th of December—Further action of Congress—Gov. Clinton to the convention of committees—Strife between the Yorkers and Vermonters—Proposal for a temporary settlement of difficulties—John Bridgman taken, and released on parole—Governor Chittenden's letter about the Yorkers—Report that Col. Church was to be hanged—Effect of the resolves of the 5th of December—Correspondence between the Yorkers and Gov. Clinton—Letter from Governor Chittenden to the President of Congress—Remonstrance of the General Assembly of Vermont to Congress.

ON the 11th of September, the day on which the trials of the prisoners taken by Ethan Allen commenced at Westminster, a number of the citizens of New York, in Cumberland county constituted Charles Phelps their agent to visit Governor Clinton, to repair to Congress, and to act for them in matters pertaining to the controversy, "as he in his prudence and discretion," should think proper. Knowing that a warrant had been issued for his arrest, and that the militia were endeavoring to take him, Phelps strove to avoid their vigilance and ultimately succeeded. Though desirous of visiting his family before proceeding on his mission, he was obliged to leave without seeing them. While on the road and before he had left the state, he was pursued by eight or ten men for several miles, but fortunately escaped. Having obtained a supply of clothing from his friends in Hadley, he made the best of his way to Poughkeepsie. On the same day Joel Bigelow, of

Guilford, left for the same place, for the purpose of acquainting Governor Clinton with the late proceedings. Travelling with greater expedition than Phelps, he reached Dutchess county before him, and, on the 15th of September, made a deposition before Justice Melancton Smith, concerning the conduct of the Vermonters, and the manner in which they had been received by the Yorkers. This deposition was immediately transmitted to the delegates in Congress from New York, with a request that it might be communicated to Congress as soon as possible, inasmuch as it clearly evinced the necessity of a speedy determination of the boundary dispute, or at least of an interference which should preserve the public peace until the controversy could be finally decided.*

In a letter dated the 16th of September, and accompanying the deposition, Governor Clinton announced it as a fact, “undeniably true,” that the government of New York and its subjects on the “Grants,” had strictly adhered to the recommendation of Congress “in abstaining from the exercise of any authority over persons professing subjection to the pretended state of Vermont.” He detailed the advice which he was about to transmit to his oppressed fellow-citizens in Cumberland county; referred in a pointed manner to what he deemed the duty of Congress; and concluded in these words:—“From the spirit and determination of the inhabitants of several towns on the east side of the mountains who have resolved to experience every inconvenience rather than swerve from their duty and allegiance to the state [of New York], until Congress declares the ‘Grants’ not to be comprehended within our boundaries, I am induced to believe this [outrage] will lead to more serious consequences for which, however, I do not consider either the state or myself responsible.” In a supplementary note of a private nature, the Governor requested the delegates, “without mentioning this intimation,” to read his communication publicly in Congress when the deposition should be introduced. “In a letter to you,” he observed in explanation, “I can use a freedom which in an address immediately to Congress might be conceived rather derogatory to their dignity I feel the honor of the state and myself hurt, that my repeated applications to them for a decision of the controversy have been not only ineffectual but even unnoticed. You are fully sensible of

* MS. Commission and Deposition.

my situation, and of the condition of the state to assert its rights, and I flatter myself you feel for our unfortunate fellow-citizens who are thus exposed to outrage and injury. I have, therefore, only to add an earnest request, to use every means for inducing Congress to attend to this very important business. The unfortunate people who are now made prisoners by the insurgents, having in every instance religiously adhered to the recommendation of Congress, conceive they have a just claim to their protection, and consequently look up to them for a speedy and effectual interposition for their relief.”*

Having dispatched the letters and deposition to Philadelphia, Governor Clinton placed in the hands of Mr. Bigelow a communication directed to him, and intended for the perusal of the unfortunate sufferers by the “late outrage.” The advice which he gave was well in keeping with the character of the man. “I would as heretofore,” said he, “recommend to our friends, still to persevere in the line of conduct pointed out by the resolve of Congress, in abstaining from all acts of force or violence except when their immediate self-defence shall compel them to have recourse to resistance by arms. At the same time, should the government of the pretended state continue to hold the prisoners in confinement, I would then think it justifiable and advisable that attempts should be made for their release; and if this cannot be effected, then that an equal number of the insurgents should be taken and brought to this† or any other place of security in the state, where they can be detained as hostages for the security and indemnity of the subjects of this state whom they have made prisoners of.”‡

The dispatches of Governor Clinton having been received at Philadelphia on the 20th, an attempt was made by the New York delegates to read them in Congress without delay, but a pressure of business of greater importance rendered this course impracticable. The person by whom the papers had been sent being apprehensive that his poverty would not permit him to tarry long in Philadelphia, left without the information of which Clinton had hoped he would be the bearer. Assurances were however conveyed to the Governor of the interest which others beside himself felt in the result of the late occurrences.

* George Clinton Papers, in N. Y. State Lib., vol. xvi. docs. 4761, 4762.

† Poughkeepsie.

‡ Doc. Hist. N. Y., iv. 1012, 1013. Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 47.

"This new and unexpected violence," wrote the delegates, "offered in direct opposition to the recommendations of Congress to those peaceable citizens who have always strictly adhered to the same, and the dangerous consequences which may ensue from such evil examples, will, we trust, induce Congress immediately to interpose and exert their authority for the relief and protection of those unhappy people, our fellow-citizens, now made prisoners by a lawless power. Your Excellency may rest assured that we shall exert ourselves to the utmost for their relief, and that measures may be adopted for the future protection of the adherents to our state who reside in that district of country."*

In order that Governor Clinton might be fully informed of the conduct of the Vermonters, the depositions of Thomas Baker and David Lamb, two of the sufferers by the "late outrage," were sent to him by Samuel Bixby, the clerk of the New York convention of committees. In an accompanying communication, dated the 22d, Bixby stated that the sentence which the prisoners had received was contrary to the laws of Vermont, as they were not taken under arms, which was the only condition on which their conduct was to be adjudged criminal. On this point, however, he was at fault, for the particular act under which they were arrested, denounced punishment against any one who should conspire against the liberty of the state, whether with arms or otherwise. He also referred to the illegality of the proceedings, whereby the same tribunal had held and swayed both the legislative and the executive power. And in this particular his remark was just, for it was by order of the court, and not by legislative enactment, that the officers were empowered to seize the property of those against whom charges had been preferred, when it was ascertained that their persons could not be secured. The reply of the New York delegates, a part of which has been already recited, was received by Governor Clinton on the 27th, and the information which it contained was immediately transmitted by him, to the convention of Cumberland county. In the few words of advice which he added, he, as on former occasions, counselled his friends to behave peaceably, and "not to have recourse to violence or force," unless the immediate defence of their persons and property should demand the employment of such measures. At

* George Clinton Papers, in N. Y. State Lib., vol. xvi., docs. 4772, 4773.

the same time he wrote to Jonathan Hunt, who, as sheriff of Windham county, had taken an active part in arresting the subjects of New York. He reminded him that the proceedings in which he had been engaged were in "direct opposition and contempt of the recommendations of Congress," and warned him of the "dangerous consequences" which would ensue should he attempt to execute process against those who refused to obey the laws of Vermont.*

Soon after Governor Clinton had dispatched the messenger to Philadelphia with the information which Bigelow had brought from Guilford, Charles Phelps arrived at Poughkeepsie with accounts confirmatory of the reports which had preceded him. Here he remained until the messenger returned from Philadelphia, when he made known his intention of paying a visit to Congress. Conceiving that his presence there would be of no service to the cause he was eager to advocate, and apprehending he would be "troublesome and perhaps burthensome" to those with whom he would necessarily be brought most in contact, Governor Clinton endeavored to dissuade him from going. Nothing could change his determination. Though the Governor declined writing by him, lest the delegates should suppose that his visit was made by the Governor's approbation, Phelps departed on the 1st of October, depending on his own resources for the assistance he should require.

In conformity with the sentence that had been passed upon them, Church, Shattuck, Evans, and Timothy Phelps were released from imprisonment on the 4th of October. They were then taken under a strong guard across Connecticut river into New Hampshire, where the sentence of banishment was read to them by Samuel Avery, a Vermont deputy sheriff. To this the penalty of death was added, provided they should ever return. On the 24th, the sheriff of Windham county was directed by a resolution of the General Assembly, to sell their estates as confiscated property, and accept in payment, "due bills, pay-table orders, or hard money." He was also directed to sell as much of the estates of those persons who had been indicted by the grand jurors of Windham county, as should

* Soon after the receipt of this letter, instigated either by fear or by doubts as to the legality of his course, Hunt resigned his office. Dr. Elkanah Day was appointed in his place on the 16th of October, 1782. MS. Accounts. Doc. Hist. N. Y., iv. 1013, 1014. George Clinton Papers, in N. Y. State Lib., vol. xvi. doc. 4781. Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 48.

serve to pay the expense of the *posse comitatus*; and was instructed to "take the advice of the principal men of the county, and endeavor to levy such expense in proportion to the crimes and abilities of such delinquents."

During the confinement of the prisoners, the committees of Brattleborough, Guilford, Halifax, and Marlborough, had been engaged in preparing a report of the grievances to which they had been subjected by reason of their adherence to the government of New York. This document was full in its details, and embraced the discussion of topics relating as well to the condition of the whole state, as to the condition of Windham and Windsor counties. Among other criminations contained in it, the General Assembly of Vermont were accused of entering into a treaty with the enemies of the United States, without the knowledge or consent of the people at large, and, when charged with the offence of flatly denying that any such treaty had ever been commenced. Announcement was also made of the current belief that negotiations had been initiated with the British in Canada, for the purpose of transferring Vermont to the common enemy. The secret policy of the state was condemned. Governor Chittenden's conduct was pronounced arbitrary. The acts of the Vermont Legislature were declared unauthorized. Taxes which had been levied for the purpose of supporting the government of Vermont were branded as unjust. The finances of the state were represented as impoverished in condition, and the officers to whom the duty of collecting money had been entrusted were denounced as exacting and heartless men. In view of these charges, the committees expressed their sentiments in language plain and definite. "By a resolution of the Assembly of the state of New York, in October, 1781, and one of March, 1782," said they, "it appears that the state of New York are determined to support their jurisdiction over this territory; and it being our opinion that it was guaranteed to them in the confederation by the other states, and that to them we owe our allegiance, we therefore conceive we shall be highly to blame and of course involve ourselves in certain ruin, by resisting or opposing the authority of New York, since by so doing we shall oppose and resist the authority of Congress and of the thirteen United States, and bring inevitable destruction upon ourselves. To avoid these evils, we think it our indispensable duty to submit ourselves to the authority of the state of New York."

In the course of this statement of grievances, other actions of the government of Vermont were unsparingly condemned. The late legal enactments concerning those who acknowledged the jurisdiction of New York, were stigmatized with especial bitterness. "We are of opinion," said they, "that the most capital of all the proceedings of this old Green Mountain Core,* is their preparing a law especially for a certain set of people—who, while this territory was under the jurisdiction of New York, were orderly, good subjects to the state of New York, and who never before, when that jurisdiction was regularly supported here, nor since the setting up of this pretended new state, have ever joined the new state, but have ever adhered to the state of New York—by which law they have made it treason to join any of the other states, or to refuse to adhere to the new state of Vermont." Conduct such as this they denounced as particularly heinous, since Congress had expressly ordered that the rulers of Vermont should exercise no authority over any person who was unwilling to acknowledge the jurisdiction of that state. Continuing in this strain, they detailed the general effects of the treatment they had been compelled to undergo, and of the sufferings they had borne in behalf of New York, and concluded their statements in these words:—"We conceive there can be no way to ensure peace and prosperity to the people of these 'Grants,' but to put an end to their present policy and government. Perhaps in some future day it may be for the happiness of this part of the country to be made a separate jurisdiction, within such bounds and under such regulations as the United States in their wisdom shall see fit. We think it will be very easy for Congress to point out a way in which justice may for the present be done to all the contending and different claims; but should matters be suffered to go on in the course they have now taken, we cannot imagine where they will end, unless it be in riots, tumults, disorder, and confusion, and most probably in bloodshed among ourselves."†

This statement of the associated committees was entrusted to Majors Shattuck and Evans on the 7th of October, to be by them presented to Governor Clinton and the Legislature of New York. The two officers reached Poughkeepsie on the 14th of October, and were courteously received by the Governor,

* Corpa.

† George Clinton Papers, in N. Y. State Lib., vol. xvi. doc. 4788.

who listened with interest and attention to their representations. They furnished him with affidavits in which were embodied a full relation of the events which had led to the trial and imprisonment of themselves and friends; a particular statement of the conduct of Ethan Allen during the "late violent proceedings;" and a few suggestions as to the cause of the appearance of the British at the northward and westward. In their own defence they stated that they had never "made use of any force or violence to compel such of the inhabitants on the district called the New Hampshire Grants, who professed allegiance to the said usurped government, to renounce their allegiance thereto, or to submit to the government or authority of the said state of New York; or by any act of force or violence interrupted or prevented the exercise of any authority under the said pretended state of Vermont over such persons as professed allegiance thereto." Governor Clinton immediately notified the information he had received to the New York delegates in Congress. In his letter to them, he enclosed copies of the papers which had been furnished him by Shattuck and Evans. "I think they cannot fail," wrote he, referring to the depositions, "of making an impression on the minds of Congress, not unfavorable to us."*

Meantime Charles Phelps having reached Philadelphia, was busied in detailing his misfortunes to those who he hoped would be interested in relieving them. By his own solicitation he obtained permission to appear before the committee of Congress to whom had been referred the consideration of the troubles in Cumberland county, and on the 8th of October, at an evening session, was engaged for "two or three hours, with very little interruption," in recounting the transactions which had been the cause of his visit. So important were the affidavits which he presented on this occasion, that the committee refused to report upon them until they should have been read in Congress. To this arrangement Ezra L'Hommedieu and James Duane—the two New York delegates then in attendance—were obliged to submit, although by so doing the presentation of the report upon the statements made more than two weeks before was necessarily deferred. Not content with these efforts, Phelps in character of agent for the convention of committees from the towns in Vermont loyal to New York, presented a memorial to

* George Clinton Papers, in N. Y. State Lib., vol. xvi. doc. 4802.

Congress on the 10th, in which he stated that his constituents on the "Grants" had considered themselves protected by the resolutions of Congress passed on the 24th of September, 1779, and on the 2d of June, 1780, and for this reason had acted in accordance with those resolutions. He also declared his belief that the persons who had been imprisoned for refusing to acknowledge the jurisdiction of Vermont would be sent to Canada. In his own behalf he prayed that measures might be taken to effect the restoration of his property.*

On the 16th of October—one month from the date of Governor Clinton's letter to Congress containing a notification of the outbreak in Cumberland county—the committee appointed by Congress presented their report. At the same time another report was proposed as a substitute. These proceedings ended in a recommitment of the whole subject. A third report made by John Rutledge, on the 22d, in which he and his colleagues recommended to the people on the "Grants" to abstain from all measures calculated to create disturbance, was amended and laid aside for further consideration.

Since their arrival at Poughkeepsie, Shattuck and Evans had remained in the vicinity of that place, hoping to receive "accounts of the issue of the controversy on the 'Grants;' and that Congress had taken decided measures for the relief of their fellow citizens in Cumberland county, and their protection in future against the violence of the Vermont party." Having been assured by a letter from Mr. L'Hommedieu of the 16th of October, that "no effectual measures" had been or probably would be taken in Congress until the general question respecting jurisdiction should be determined, they concluded to extend their journey to Philadelphia and there await the event. In the letter of introduction which was furnished them by Governor Clinton, full approbation was expressed of the course they had resolved to adopt. "They, with several others, their neighbors," wrote the Governor to the New York delegates, "are stript of all their property and banished, and under the circumstances cannot think of seeing their families till they have made every effort for obtaining redress. They have determined therefore to go on to Philadelphia, in hopes that their presence, and the information they can communicate, may assist in bringing about a more speedy settlement of this busi-

* George Clinton Papers, in N. Y. State Lib., vol. xvi. docs. 4796, 4797.

ness. I have helped them to a small sum of cash to defray their expenses and to prevent their being burthensome to you. It is unnecessary to recommend them to your countenance and assistance. The cause they are engaged in, gives them the best assurance of this.”*

While Governor Clinton exercised especial care to send to Philadelphia copies of all the papers concerning the controversy which he received, the New York delegates never neglected to bring his dispatches to the notice of Congress on the earliest occasion. By this means the topic of greatest interest to the persecuted adherents of New York was kept in continual agitation. Though Congress were desirous that “internal peace should be preserved, as well between the respective members of the Union as within each district thereof,” and even favored the appointment of a day for the final disposition of the question of jurisdiction, still they were unwilling that any measure should be taken in the present emergency tending to prejudice the decision of Congress on the general question. To this cause must be attributed, in part, the delay with which every proposition for a thorough examination of the relative position of the two parties claiming jurisdiction on the “Grants,” was met. While sentiments like these were prevailing in the minds of many of the delegates, Shattuck and Evans appeared in Philadelphia, and on the 28th of October laid their petition before Congress. In this document they briefly rehearsed the history of the difficulties which they had been obliged to encounter; referred to the “fifty persons having families,” who had been driven from their homes, and who were then “wandering about in the utmost distress;” mentioned the forbearance which the sufferers had exhibited in refraining from “acts of retaliation;” and asked for aid, and for the restoration of their possessions to those who had been deprived of them by the late transactions of the people of Vermont. Nor did they scruple to refer to their own destitution, and to the immediate inconveniences to which they were exposed, on account of a want of money, and of the difficulty of supporting themselves in Philadelphia where necessity had obliged them to repair for justice. Though but little was to be expected from Congress until the general course which they were to follow in the controversy should be fixed, yet the petitioners were not allowed to suffer. “They are very decent men

* George Clinton Papers, in N. Y. State Lib., vol. xvi. docs. 4809, 4825. MSS. in office Sec. State Vt.

and are treated with respect," wrote Mr. L'Hommedieu, and subsequent events proved that private means were at their service, though the aid of Congress was denied them.*

The committee of Congress to whom had been referred the letter of the 16th of September from Governor Clinton, the deposition of Joel Bigelow, the memorial of Charles Phelps, and a number of other papers, presented another report on the 5th of November, in which several important alterations and additions had been made. At the same time the consideration of the report which had been made to Congress on the 17th of April previous, recommending the admission of Vermont into the Union, was called for. After a lengthened discussion, all that portion of the subject relating to an ultimate adjustment of difficulties by an acknowledgment of the independence of Vermont as a separate state was postponed. The consideration of the question whether "the people inhabiting the territory called Vermont" had relinquished their claims to the Eastern and Western Unions was declared necessary and proper before arguing the questions which depended upon it. Referring to the action of Congress on this occasion, Mr. L'Hommedieu expressed a wish that since the general question had been thus laid aside, Congress would take measures to preserve the peace of the disturbed district. The constituency of his own state, many of the inhabitants on the "Grants," and no inconsiderable number of the members of Congress avowed the same desire, and anxiously awaited the time when the present difficulties at least, should be ended.

Believing fully in the innate strength of petition, Charles Phelps did not cease to besiege Congress with missives supplicatory, missives memorial, and missives remonstrative. On the 6th of November he besought Congress "for a continental relief of money and clothing for his necessitous circumstances." In order to prove the validity of the grounds upon which he asked for assistance, he stated that when leaving home in some haste, he had been pursued several miles by eight or ten of the Vermont "light infantry;" that he barely made his escape from "those armed pursuers;" that he was "necessitated to borrow a great part of his necessary apparel fifty miles from home;" that his garments were now nearly worn out, his money almost exhausted, and the debts which he had been forced to contract

* George Clinton Papers, in N. Y. State Lib., vol. xvi. docs. 4828, 4831, 4833, 4842.

for the support of himself and horse unpaid. Although his condition required the aid for which he sought, yet Congress did not deem themselves bound to heed his requests, and the petition was dismissed. It is probable that a similar petition preferred by Shattuck and Evans was treated in a similar manner. On the 13th of November, the day preceding that on which the congressional committee were to report concerning the condition of the "Grants," Mr. L'Hommedieu wrote to Governor Clinton. Referring to the 14th, he observed:—"After that time I shall advise Messrs. Phelps, Shattuck, and Evans to return, as it will answer no purpose for them to continue longer in this expensive place. They have spent all their money and are considerably in debt, which in their petition they have mentioned, but I believe will have no relief in that respect, more than in the other, from Congress."*

A portion of the report on Governor Clinton's letter of the 16th of September, and on the petitions of Phelps, Shattuck, and Evans, had been already referred to a committee of three for further consideration. In a second report presented on the 14th of November, the committee stated "that the measures complained of in the papers above mentioned, were probably occasioned by the state of New York having lately issued commissions, both civil and military, to persons resident in the district called Vermont." With this opinion for a basis, they proposed the following resolutions:—

"That it be recommended to the state of New York to revoke all commissions, either civil or military, which have been issued by the said state since the month of May last, to persons residing in the district called Vermont, as described in the resolves of the 7th and 20th of August, 1781.

"That it be recommended to the persons exercising the powers of government within the said district, to make full and ample satisfaction to Charles Phelps, William Shattuck, and Henry Evans, and to all others in a similar predicament, for the damages which they have sustained in person and property, in consequence of the measures taken against them in the said district, and to suffer them to return to their habitations, and to remain unmolested in the district aforesaid.

"That it be recommended to the state of New York, and to the persons exercising the powers of government within the

* Journals of Am. Congress, iii. 102. George Clinton Papers, in N. Y. State Lib., vol. xvi., doc. 4887.

district aforesaid, to adhere to the recommendations of Congress contained in their resolve of September 24, 1779, until a decision shall be had by Congress on the subject referred to them by the said state of New York and the said district of Vermont."

However just these resolutions might have appeared to those who proposed them, yet they failed to obtain the concurrence of Congress. A motion to agree to the first resolution was lost, a motion to recommit the second was negatived, and, on a final vote, the consideration of the remainder of the report was postponed. On none did the immediate effects of this refusal to reimburse the suffering Yorkers fall more heavily than on the three petitioners, who, for several weeks, had awaited at Philadelphia, patiently and amid poverty, the decision of Congress. Their indebtedness, owing to the expensiveness of living, had increased to such an extent that they were unable to meet it. On the 15th of November an attempt was made by the New York delegates to relieve their necessities by borrowing a hundred dollars on the credit of the state. "If this plan fails," wrote James Duane, "it is more than probable they will lose their liberty, as they have already done their property, for it is out of my power to aid them." On the 17th the same gentleman informed Clinton that "the distress of Phelps having been brought to a crisis," nothing was left but to borrow "for his and his unfortunate companions' support." The desired loan was effected; the debts of the trio whose visit had given "infinite uneasiness" to their friends in Philadelphia were discharged; and the fear of imprisonment for debt was brought to an end.

As there was but little expectation that any resolution could now be obtained which would prove favorable to the Yorkers, the main reason for the delay of their agents in an expensive city was removed. Desirous of visiting their families, provided they could do so with safety, Shattuck and Evans set out on their return home on the 19th. Phelps, on the contrary, hoping to be able to accomplish by importunity what he had failed to perform by petition and remonstrance, determined to remain. The two former reached Poughkeepsie on the 23d; detailed to Governor Clinton an account of their visit; and confirmed the report which had already reached him of their failure to impress upon Congress the necessity of prompt and decisive action in restoring to the Yorkers their homes and possessions.*

* Journals of Am. Cong., iv. 105, 106. George Clinton Papers in N. Y. State Lib., vol. xvi. docs. 4856, 4857, 4858.

Evans now determined to return to Guilford, in spite of the penalties denounced against him in case he should ever again enter within the borders of Vermont. Shattuck, more cautious, concluded to obey the decree of banishment until he should receive further accounts from Philadelphia. With his accustomed kindness, Governor Clinton wrote a letter to Col. Timothy Church, on the 24th, as an endorsement of any statements which Shattuck or Evans might make relative to the views of Congress concerning the present unfortunate troubles. "These gentlemen," observed Clinton, referring to them, "have had an opportunity which I long wished them to have of being acquainted with the sentiments of the different members of Congress respecting our controversy with the pretended state of Vermont, as they are thereby enabled to form a judgment, founded on their own knowledge of facts, of what will be the probable issue of a dispute in which they are so deeply interested. This renders it unnecessary for me to say anything on a subject of which they will be able to give so full and satisfactory information, and I have therefore only to repeat what I often suggested, that much will depend on the conduct of the good subjects of this state on the 'Grants,' whose firm and steady adherence to their duty and allegiance I would flatter myself will soon be rewarded by a determination that will relieve them from their present distresses, and guard them against future oppression." Reaching home on the 1st of December, Evans, to use his own language, "found the people in a very broken situation." It was observed, however, that the effect of his statements, and of the clear and honest declarations of Governor Clinton, were temporarily beneficial in removing the gloom which had been caused by long continued disappointment.*

Various attempts were made to resume the consideration of the report of the committee to whom had been referred the report of a former committee on the letter of Governor Clinton, of September 16th, and the accompanying documents. The subject was at length brought before Congress on the 5th of December, but its consideration was again postponed. Following the declaration of this postponement, a motion was made by Thomas McKean, of Delaware, and seconded by Alexander Hamilton, of New York, in these words:—

"Whereas it appears to Congress, by authentic documents,

that the people inhabiting the district of country on the west side of Connecticut river, commonly called the New Hampshire Grants, and claiming to be an independent state, in contempt of the authority of Congress, and in direct violation of the resolutions of the 24th of September, 1779, and of the 2d of June, 1780, did, in the month of September last, proceed to exercise jurisdiction over the persons and properties of sundry inhabitants of the said district, professing themselves to be subjects of, and to owe allegiance to the state of New York, by means whereof divers of them have been condemned to banishment, not to return on pain of death and confiscation of estate; and others have been fined in large sums and otherwise deprived of property; therefore,

“Resolved, That the said acts and proceedings of the said people, being highly derogatory to the authority of the United States, and dangerous to the confederacy, require the immediate and decided interposition of Congress, for the protection and relief of such as have suffered by them, and for preserving peace in the said district, until a decision shall be had of the controversy, relative to the jurisdiction of the same.

“That the people inhabiting the said district claiming to be independent, be, and they are hereby, required, without delay, to make full and ample restitution to Timothy Church, Timothy Phelps, Henry Evans, William Shattuck, and such others as have been condemned to banishment and confiscation of estate, or have otherwise been deprived of property since the 1st day of September last, for the damages they have sustained by the acts and proceedings aforesaid; and that they be not molested in their persons or properties, or their return to their habitations in the said district.

“That the United States will take effectual measures to enforce a compliance with the aforesaid resolutions, in case the same shall be disobeyed by the people of the said district.

“That no persons holding commissions under the state of New York, or under the people of the said district claiming to be independent, exercise any authority over the persons and properties of any inhabitants in the said district, contrary to the forementioned resolutions of the 24th of September, 1779, and the 2d of June, 1780.

“That a copy of the foregoing resolutions be transmitted to Thomas Chittenden, Esq.; of Bennington, in the district aforesaid, to be communicated to the people thereof.”

Before the vote was taken on this motion, an attempt was made to amend the first resolution, and to strike out the whole of the resolution relating to the determination of the United States to enforce the decrees which Congress had passed on the subject of the controversy. These suggestions were not received with favor, and on the question to agree to the original motion, an affirmative decision was obtained.

The hostility of Congress at this time towards the leading men in Vermont, was made especially apparent in connection with these transactions. As the Secretary of War was about to visit his family in Massachusetts, David Ramsay of South Carolina, moved a resolution on the 10th of December, instructing that gentleman "to take Vermont in his way," and carry a report of the doings of the 5th of December to Mr. Chittenden. Although it was urged that such a course would insure the delivery of the papers, serve to conciliate the opposition, and afford the means of obtaining certain knowledge of the Vermonters, yet the proposition was strenuously resisted, the opinion of many being that such an act would tend to degrade a high servant of the United States, and to give an unwarranted importance to the claims of Vermont to sovereignty and independence. The objections prevailed, and as Congress appeared unwilling to make special provision for transmitting the resolutions, the President of Congress gave notice that he should send them to the commander-in-chief to be forwarded by him to their place of destination. Though they were regarded as an index of the sentiments of Congress, yet the condition of the United States, and the dread of the common foe tended greatly to diminish their effect. In their letter, announcing the action of Congress, the New York delegates frankly confessed that they could not "absolutely rely upon the execution of the coercive part" of the resolutions. A similar opinion was entertained by all who were best acquainted with the political condition of the Union.*

As was his custom, whenever any measure was adopted pertaining to his constituents on the "Grants," Governor Clinton transmitted a copy of the late resolves, to the convention composed of the committees of the towns of Brattleborough, Guilford, Halifax, and Marlborough. Accompanying the

* *Journals Am. Cong.*, iv. 112, 113, 114. *Madison Papers*, i. 228, 229, 280. *George Clinton Papers*, in N. Y. State Lib., vol. xvi. doc. 4883. *Slade's Vt. State Papers*, pp. 177, 178. *Papers relating to Vt. Controversy*, in office Sec. State N. Y., p. 49.

resolves, was a letter, dated the 23d of December, whose contents were evidently intended for the guidance and consolation of those who had been and who still were faithful to New York. The sound, energetic, and scholarly ideas of the patriot Governor, as expressed in this thoughtful and well-prepared production, were in these words:—

“I have the pleasure of transmitting you sundry resolutions of Congress, passed in consequence of the outrages lately committed by the usurped government of Vermont on the subjects of this state in Cumberland county. I should have been happy could a final determination of the controversy respecting the jurisdiction of the district of the New Hampshire Grants, have been obtained; but as this could not at present be effected, I flatter myself the present measure, as it is calculated to preserve the peace of that district until such a decision can be had, and ensure justice to our distressed fellow citizens for the damages they have sustained, will prove acceptable, and the more especially as it evinces a disposition which promises an equitable and favorable issue to the controversy, which issue I have the fullest confidence will ere long take place.

“You will observe that one of the present resolutions prohibits the exercise of authority by either party over the other, contrary to the resolutions of the 24th of September, 1779, and the 2d of June, 1780. This repetition of the sense of Congress, became necessary to remove the false impression which the leaders of the usurped government had made on the minds of the people by insinuations which you well know they industriously propagated that those resolutions no longer existed, and that Congress never intended to enforce them. By these means, they not only led many into the violent and unwarrantable measures which they had in contemplation, but discouraged our friends from a justifiable resistance. My sentiments are so fully and explicitly expressed as to the line of conduct to be pursued by those in your district holding commissions or offices under this government, as to render it altogether unnecessary now to repeat them. The good consequences which have already resulted from the part you have acted, as well as respect for the great Council of America, will, I am persuaded, induce those holding commissions under this state, still to persevere in paying a strict compliance to the recommendations of Congress, by exercising authority only over those professing themselves to be subjects of, and to owe allegiance to this state.

“To obviate any excuse that may be offered by the pretended state, in case they should delay complying with the resolution directing restitution to Colonel Church and the other sufferers, I would suggest the propriety of immediately causing fair and reasonable accounts to be made out, of the damages sustained by them respectively ; would have the same attested to, by the parties, before a magistrate ; and (retaining true copies), would transmit the originals by a person who will be able to swear to the delivery thereof, to Thomas Chittenden, Esq. That these accounts may have every appearance of truth and candor, I would advise that besides the attestations of the party, they be also testified to be just and reasonable, by as many persons of reputation as from their knowledge of the charges can with propriety give such certificates.

“By the resolution directing restitution, you will also observe that the persons banished are not to be molested in their persons or property on their return to their habitations. They would, therefore, be justifiable in returning immediately, but I would advise a delay sufficient for the promulgation of the resolutions of Congress on this subject in the district, lest insults might be committed upon them by there volters, and ignorance pleaded in excuse. It is probable, however, that the resolutions will be sufficiently known before this can reach you, and that a further delay in a matter so interesting to the sufferers may not be necessary.

“I would fain flatter myself with a hope of a voluntary return of the mass of the people in your county to their duty and allegiance. I am convinced that there are many in your county well attached to the cause of America at large, that have been led from their duty and allegiance by the artful insinuations of designing and wicked men, who either wish to subjugate that district to British tyranny, or to gratify their own ambition and pride by establishing an independency which, while it would enrich and aggrandize a few, would distress and ruin the great bulk of the people. These men I could wish might be recovered from their delusion, and that the conduct of our friends towards them might at all times be such as shall appear most likely to effect so desirable an end. You must be sensible of the unalterable determination of the state to secure the inhabitants their property under whatever title it may be desired ; and should the late act for this purpose be defective in any particular, or subject to the least reasonable objection, I may venture to assure them, that on their discovering a disposition to return to their

duty, every just cause of complaint (if any still exists) will be heard and removed; and this idea I wish may be impressed upon their minds, as well as the danger to which they are exposed by persevering in their present unjustifiable opposition. Be watchful at the same time of the conduct of those that are disaffected to the liberties of America, of whom, from late as well as former discoveries, I have the best reason to believe there are many leading characters in your quarter.

“The Legislature will meet the first Tuesday of next month at Kingston, and it would afford them much satisfaction to find that the measures they have adopted for quieting the disorders in the northeastern parts of this state have not proved ineffectual.”*

Such were the principles which, in the view of Governor Clinton, were to be maintained by his constituents. Such the course of conduct they were bound to pursue, until they should find themselves unable to withstand the collected force of the government and people of the new state of Vermont. But before this letter had reached its destination, or Governor Chittenden had been informed of the passage of the resolves of the 5th of December, an event had occurred, within the disputed territory, which evinced the determination not only of the Vermonters to enforce the decrees with which they had threatened those persons whom they had banished from the state, but of the Yorkers also to resist the efforts made to subdue them.

The return of Evans had already induced the belief that the rigorous punishment which had been denounced against him and his companions would not be carried into execution. This belief was strengthened, and new life was now given to the adherents of New York, by the arrival of Colonel Church and Major Shattuck. The latter reached his home in Halifax on the 15th of December, and on the same day was informed that the authorities of Vermont had determined to dispossess Daniel Shepardson of Guilford, a subject of New York, or pull his house down. Aroused by these reports, Shattuck and a number of his friends met on the evening of the 17th, and resolved to protect Shepardson from violence. While preparations were on foot for carrying this design into execution, intelligence was received, on the morning of the 18th, of the capture of Church by the Vermonters. Upon this Shattuck changed his plan, pro-

* George Clinton Papers, in N. Y. State Lib., vol. xvi. doc. 4894.

ceeded to Guilford, raised two companies of men, and, for the purpose of retaliation, endeavored to arrest Col. Benjamin Carpenter and a certain Major Shepardson, the former the late Lieutenant-Governor of Vermont, and the latter a staunch supporter of its authority. Failing in this undertaking, Shattuck and his men entered the dwellings of those whom they had intended to capture, seized their arms, committed other depredations of a similar character, and returned home. Not content with the result of this expedition, Shattuck and his party made another on the night of the 20th, took John Bridgman, one of the judges of the county court, prisoner, and brought him to Guilford. On the following day Bridgman was released on parole. By the terms of the parole agreement he was allowed to visit the State's Attorney, the Governor, and the Council of Vermont, for the purpose of procuring the freedom of Col. Church. Should he succeed, his own liberty was to be granted him. Should he fail he was to return by the 2d of January, 1783.

Fearing that a civil war was about to break out, Col. John Sergeant of the Vermont militia ordered several companies in his regiment to rendezvous at Brattleborough, in order, as was afterwards stated in the muster rolls, "to suppress insurrections and disturbances then subsisting in those parts." The Yorkers meanwhile continued to hold their men under arms. On the night of the 23d of December, they received information that the Vermont soldiery were preparing to attack them. Having placed his men in ambush, Shattuck awaited the approach of his opponents. But his expectations were not realized. The Vermont militia, while on their march, were surprised by a party of six men, the vanguard, as they supposed, of a concealed enemy, but in reality a detachment of their own friends. Dispensing in all directions, they did not discover their error until it was too late to correct it. Convinced that no benefit could arise to either party from the pursuit of hostile measures, the Vermonters on the following day sent a messenger to the Yorkers, with proposals for a treaty. The Yorkers replied that, if the Vermonters desired peace, they might come to them and propose the terms.

The result of these negotiations was the confirmation of an agreement which had been drawn up and signed on the 20th, by Zadock Granger, and Simeon Edwards, in behalf of the Vermont party. In the preamble to this document, the signers rehearsed the considerations which had induced them to engage

in an agreement of this character; referred to the "unhappy differences about the right of jurisdiction," as the cause of all the difficulties between the conflicting parties; alluded to the probability of the "decisive determination by Congress," of the long continued dispute; deprecated the hostile measures which had been, and were then pursued by men who were "in arms against each other;" and expressed a desire to prevent "mischiefs and miseries," and to ensure peace and the public good. In view of these reasons, and in consideration of the engagement of the leaders of the New York party, that their adherents should be immediately dispersed, and should "rise no more" to disturb the people of Vermont unless molested by them, and on the further condition that either Colonel Church, or Judge Bridgman should return by the 2d of January, 1783—they, as men of honor and influence, agreed to exert their "utmost endeavors" in preventing the people of Vermont from molesting the New York party; promised to inform Joseph Peck of Guilford, a captain in the New York militia, should any force be sent by the Vermont party to oppose the New York party before the 1st of February, 1783; and bound themselves to write to Governor Chittenden, requesting him to "let matters rest" according to this engagement.

Repairing to Governor Chittenden, Bridgman endeavored to obtain from him, and the Council of Vermont, advice as to the course he should pursue in this emergency. But the oracles were dumb, and after nine days of useless expostulation he returned. His parole was renewed on the 2d of January, 1783, but his success in endeavoring to learn the sentiments of the rulers of the state, as to the means by which he should procure permanent relief, was no better on a second attempt. On the 18th of January his parole was again renewed, to continue "during the good pleasure" of Governor Clinton. The reluctance of Governor Chittenden to reply categorically to the inquiries of Bridgman was not strange. Many of the Vermonters in the towns where the Yorkers were most numerous, were inclined to treat them kindly, hoping in this manner to effect what could not be accomplished by force. Chittenden's views towards them were severe in the extreme. In this dilemma policy dictated silence as to his opinion of the condition and conduct of Bridgman.

An idea of the peculiar character of this unique Governor, who, although partially deprived of sight, and for this reason

familiarly known as "One-eyed Tom," was possessed of all the penetration, common sense, discretion, and policy, which his peculiar position demanded, may be obtained from a perusal of one of his characteristic epistles. As soon as Church—who had dared to return to the place whence he had been for ever banished—was arrested, he was delivered to Col. Stephen R. Bradley, who sent him under a strong guard to Governor Chittenden at Arlington. In answer to a note from the Colonel detailing the reasons of the arrest, Chittenden, on the 24th of December, 1782, replied:—"I received your letter with the prisoner, and approve of your conduct. Have sent to Colonel Robinson to call the Superior court immediately for his trial, and I hope and trust justice will be done him. I have sent twelve pounds powder agreeable to your request. As to sending or ordering a standing force to Guilford, I had rather *hang them* [the Yorkers] one by one, until they are all extirpated from the face of the earth. However, I wait for the returns of the officers that commanded the *posse* (which will soon be) to send orders to the sheriff to collect the fines and cost, when, if they continue obstinate, a force must accompany the sheriff sufficient to silence them. I am not without hopes that the consequences of Church's trial will have some good effect on his connections." Such was the aspect in which the Governor of Vermont viewed the conduct of his opponents.

Hoping to obtain a remission of the punishment to which he had become amenable, Church addressed a petition to the people of Vermont on the 28th of December, in which he detailed the reasons which had led him to return. Knowing well the nature of the risk which he incurred by his rashness, he declared that his visit had been instigated not by any contempt for state authority, but by "the tender feelings" natural to a parent, who, when his family are destitute of the necessaries of life and borne down by sickness, desires to relieve their distresses. He owned that he had at one time subscribed the "freeman's oath," and acknowledged that he had subsequently opposed the government of Vermont. Though studiously refraining from any confession of error, he prayed for "pardon and forgiveness," and that he might be "admitted to his former freedom, liberty, and privileges." But his concessions, artful and non-committal, were ill-calculated to influence the minds of Governor Chittenden and the Council in his favor; while the faithlessness to which he confessed, tended to lower

him in their estimation. "The Vermonters over the mountain," wrote the committee of Guilford, on the 17th of January, 1783, "still hold Colonel Church as prisoner; and Colonel Samuel Fletcher, one of the Vermont Council, informs us that Colonel Church is to be hanged." His prospects had not improved in the beginning of February, for on the 6th of that month Governor Clinton, in a letter to Colonel Floyd, said of Church: "He is still held in close confinement and threatened with execution." On the 22d of the same month William Shattuck testified in an affidavit, that "it was the intention of the Vermonters to execute Col. Timothy Church, who was still in confinement in Bennington Gaol." Though neither Governor Chittenden nor the Council would have dared to punish the prisoner with death, yet they deemed it of advantage to promulgate a report of this nature, hoping thereby to intimidate others who were ready to oppose the authority of Vermont.*

The resolutions of the 5th of December, 1782, having been industriously published throughout the extent of Vermont, received from those who owed allegiance to that government the fullest condemnation. Thomas Frink, a physician, residing in Keene, New Hampshire, in detailing a conversation which he had held in January, 1783, with Paul Spooner, at that time the Deputy Governor of Vermont, declared that the latter had avowed his determination to support and defend the state; to execute its laws peremptorily; to aid in punishing offenders; and to act as heretofore he and his friends had done, notwithstanding the late congressional resolves. To Frink's question whether the Vermonters would dare to put to death those persons whom they had banished, provided they should return, Spooner answered that the people had made laws, and would be fools if they did not execute them when transgressed. On the 16th of the same month, Colonel Bradley of Westminster, with some of his townsmen, being in company with a number of men from Walpole at the former place, the anger of the party rose to so high a pitch, while discussing the character of the late resolves, that many of them "damned the Congress, and for the toast drank their confusion, and the health of King George the Third of England." Bradley then asked his Walpole friends whether they would assist the Vermont party in

* George Clinton Papers in N. Y. State Lib., vol. xvii. docs. 4909, 4910, 4926. MS. Muster Rolls. Various MSS.

case a continental force should be sent to enforce the decrees of Congress. At the same time he declared that the Vermont people would resist any force which should be sent against them for that purpose, and that the inhabitants of Berkshire county, in Massachusetts, would aid them in the struggle. In language characteristic and expressive, Samuel Robinson, of Bennington, a leading man in the state, remarked that "the Vermonters are a Fixen a Pill that will make the Yorkers hum." Other Vermonters declared that "they would make Congress bite their fingers." With a similar reference to some project yet undefined, Phineas Freeman, an ensign in the Vermont militia, prophesied in January, that "something would turn up within a month more detrimental to the Yorkers than anything that had ever happened to them before," and added that "the Yorkers would not be so fond a month hence of calling themselves Yorkers as they had been heretofore." A deposition of Charles Phelps confirmed these statements. The people of Vermont "are determined to fight," said he, "in opposition to the resolves, if any forces are sent to impel them to a submission thereto."

In Windham county the citizens of Vermont were at special pains to spread reports of the measures they were prepared to adopt, should any demonstrations be made against them. In order to weaken the cause of their opponents, they endeavored to persuade them that there was no honor in the character of Governor Clinton; no faith in the promises of Congress; and that Congress possessed no ability to carry their resolves into execution. They also asserted that New York was unable to defray the expenses of her militia service; was destitute of any legislative acts by which to regulate it; and that there was no provision of Congress relative to false imprisonment or banishment, which gave the right to pass such decrees as those of the 5th of December. To these representations they added threats of a nature which not only excited suspicions unfavorable to their loyalty to the American cause, but implanted in many minds the belief that Vermont would become a British province provided Congress should endeavor to divide her territory between the contending states, or enforce laws which she deemed obnoxious or unjust.

The views of Governor Clinton at this period were ill calculated to lessen the despondency of the New York adherents. "The usurped government of Vermont," wrote he, on the 6th of February, to Col. Floyd, then in Congress, "have not, and I

may venture to assert will not, comply with the late resolutions of Congress, which their leaders feign to treat with the utmost contempt. I am informed they openly assert that they have intimations from members of Congress, that notwithstanding the threats held out in the resolutions, no coercive measures will be pursued to enforce obedience to them. By these means they encourage their adherents, who begin to despond, to the show of resistance." Numerous affidavits from reliable sources confirmed the opinions here expressed, and enforced the conviction that Congress were powerless to compel obedience to the resolves of the 5th of December, within the territory of the New Hampshire Grants. In a few instances an opposite sentiment was entertained. On one occasion a certain Samuel Warriner, a Vermont justice of the peace, declared that he did not believe Vermont could "stand a state" unless the leading men in her government should submit to the late determination of Congress.

Unwilling to yield while the least chance of success remained, the convention of committees from the towns owing allegiance to New York assembled at Guilford on the 17th of January, and appointed Daniel Shepardson their agent and bearer of dispatches to Governor Clinton. "We understand," said they, in one of the communications with which he was entrusted, "that the Vermonters do not intend to pay any regard to the resolutions of Congress, and we humbly beg and pray that the United States will take very speedy measures that the resolves of Congress be put into execution; for unless they are, we must of necessity fall a prey to Vermont, and we would inform your honors that the major part of the people this side of the mountain will renounce Vermont provided Congress will protect them." Referring to the peculiarity of their situation, they acknowledged their inability to act without giving offence, and as they had done on former occasions, so now, they begged his Excellency to point out to them that course of conduct which would be of most advantage to themselves and least displeasing to their opponents.

By the same messenger went a letter, dated the 19th of January, from Henry Evans, one of the four against whom sentence of banishment had been passed, but who, having dared to return home, was allowed to remain unmolested. Comparing the sentiments of the people of Eastern and Western Vermont, he observed:—"I am credibly informed that the Vermont authority over the mountain holds Congress and all their resolves

in scorn and contempt. The Vermonters on this side the mountain say they will adhere to Congress, though they should renounce Vermont." For these reasons which he deemed correct, although, as far as the majority of the inhabitants residing on the Connecticut were concerned, they were unwarranted and untrue, for these reasons, and because of a report that the people in and about Bennington, Manchester, and Arlington were threatening to make a hostile incursion for the purpose of distressing the Yorkers, he besought the Governor to use his influence to ensure the immediate enforcement of the resolves of the 5th of December. To these and other similar earnest entreaties, Clinton was unable to respond fully, both on account of the timidity of the government of his own state, and because of the uncertainty which Congress seemed to manifest concerning their right to enforce a compliance with the resolutions. Although cognizant, by affidavits and depositions, of many acts done in opposition to these resolutions, he was unwilling to send the proofs to Philadelphia, lest they should be found to contain evidence of the evil conduct of individuals only, and not of the government of the state. Still he did not cease to write cheerfully to his unfortunate constituents, begging them to "persevere in the line of conduct heretofore pointed out to them;" prophesying "a favorable issue" to their difficulties; and assuring them that nothing that might tend to their interest should be neglected by him.*

The opposition to the late action of Congress, though at first manifested only in the conduct of individuals, as Clinton had suggested, was not long in assuming a more authoritative form. Upon the receipt of a copy of the obnoxious resolves, Governor Chittenden, in a long and elaborate letter to the President of Congress, under date of the 9th of January, remonstrated against the positions therein taken, and supported his remonstrance by reciting the "solemn engagements" into which Congress had entered with Vermont; by quoting from the letter which General Washington had addressed to him on the 1st of January, 1782; and by a method of reasoning which, if it was not entirely just, was yet plausible and clever. Referring to the transactions which had led to the passage of the resolutions of the 5th of December, his language was as follows:—"Al-

* Various MS. Depositions, Affidavits, etc., in office Sec. State Vt. George Clinton Papers in N. Y. State Lib., vol. xvii. docs. 4909, 4910, 4921, 4926. Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 50.

though this state is not amenable to the tribunal of Congress for the management of its internal police, I, nevertheless, will give them a brief narrative of facts relative to those delinquents, in whose behalf Congress, in their resolutions of December last, have interposed. At the session of the General Assembly of this state in February, 1781, a general act of amnesty was passed in favor of such persons, within this state, who had previously made opposition to its authority. Upon this they unanimously submitted to this government, and all opposition to it ceased for more than one year, when the Legislature having ordered a certain quota of men to be raised in the several towns throughout this state, for the defence of its frontiers, evil-minded persons in the town and vicinage of Guilford, in the southerly part of the county of Windham, opposed the raising and paying of them; and Governor Clinton of the state of New York, by letters to them and otherwise, interfered in their behalf, which caused a second insurrection in this state; and though every prudent and lenient measure was taken by government to reclaim the offenders, they proved ineffectual. In the mean time, Governor Clinton gave commissions, civil and military, to sundry of those disaffected persons, and they had the effrontery to attempt to exercise the laws of the state of New York over the citizens of this state, when a military force was, by the direction of this government, sent to assist the sheriff of Windham county in the execution of the laws of this state; and the procedure of the court relative to the five criminals who were banished, and to sundry others who were amerced in pecuniary fines, was in due form of law.

“The notorious Samuel Ely, who was ring-leader of the late seditions in the state of Massachusetts, a fugitive from justice, was one of the banished. He had left that state, and was beginning insurrections in this, when he was detected, and carefully delivered to the sheriff of the county of Hampshire, in the state of Massachusetts, who, as I have been since informed, has secured him in gaol at Boston, to the great satisfaction and peace of that state. This same Samuel Ely, Timothy Church, and William Shattuck, who were three of the banished, had previously taken the oath of allegiance to this state, and so had a greater part of those who were fined; and every one of the towns in which they resided, had, for several sessions of Assembly, previous to their insurrection, been represented in the Legislature of this state.” Following up these statements by

arguments based upon various congressional enactments, he strove to show that in the rulers of Vermont alone, was vested the right of exercising governmental powers within the boundaries which they claimed as the boundaries of the state. His concluding remarks related to the question of the sovereignty of Vermont. "But admitting," said he, "that Congress have a judicial authority to control the internal police of this state, this state has an incontrovertible right to be heard in its defence, as a party (in law), and should, on this thesis, have been cited by Congress to a hearing at their tribunal, previous to their having passed their resolutions of the 5th of December last, that this state might have had the privilege of vindicating its cause. But that Congress, at the special instance of Charles Phelps (a notorious cheat and nuisance to mankind, as far as his acquaintance and dealings have been extended), should come to a decision of so important a matter, *ex parte*, is illegal, and contrary to the law of nature and nations."

Similar in tone, but more brief and less comprehensive, was the communication to Congress from the General Assembly of Vermont, dated the 26th of February. An expression of astonishment at the means by which the passage of the resolves had been obtained—an expression resembling, and probably suggested by, that employed by Governor Chittenden in his letters, served to point the closing sentence of their remonstrance. "As we have, from the commencement of the war," wrote they, "braved every danger and hardship, against the usurpations of Britain, in common with the United States; as our inherent right of sovereignty and jurisdiction stands confessed upon the principles of the revolution, and implied by the solemn transactions of Congress, we cannot but express our surprise at the reception of the late resolutions of Congress of the 5th of December, obtained *ex parte*, and at the special instance of an infamous person." Such was the decided manner in which Governor Chittenden and the General Assembly maintained their rights, in spite of the rage of New York and the enactments of Congress.

Now that the government of Vermont had declared the late resolves obnoxious, the affidavits and depositions which Governor Clinton had been at first unwilling to make public were sent to Philadelphia. Congress became cognizant of the fact that the authorities of Vermont not only, but the majority of the people as well, were not to be subdued by paper edicts or

stern resolves. Chittenden had truly said that Vermont was present in the disputed district, and in the actual possession and exercise of power, while New York and Congress were afar off. The significance of his language was now more painfully apparent than all were willing to confess.*

* Slade's Vt. State Papers, pp. 178-187.

CHAPTER XVIII.

THE DISORDERED CONDITION OF THE SOUTH-EASTERN PORTION OF VERMONT.

Popular impressions—Charles Phelps returns home—Evans—Shattuck—Church, his imprisonment—His sufferings—His release—Timothy Phelps—His attempt to disperse the Superior Court—Is surrounded and surrenders his sword of office—His confinement in the jail at Bennington—Letters written while in prison—Maltreatment—Effects his release—Gov. Clinton's letter to Church—Social disorder in Guilford—Vermont Legislature in grand committee—Result of their deliberations—Act of the General Assembly—Seizure of Luke Knowlton—The examination of those engaged in the seizure—Ineffectual attempt to take Francis Prouty—Benjamin Carpenter taken by the Yorkers—Incidents—Petition addressed by the New York party to the Government of Vermont—Gov. Chittenden's reply—More depredations—Stephen R. Bradley's letter to the Guilfordites—Head-quarters of the state troops at Brattleborough—Daniel Ashcraft—Attack on the inn at Brattleborough—Oliver Waters taken—Retaken by Joseph Tucker and his men—Tucker in pursuit of Timothy Phelps—Phelps taken at Hadley and carried off—Foray of the sheriff of Hampshire county, who releases Phelps—Tucker and his party tried and fined—Tucker's complaint.

THE New York party in Vermont, though reduced to a minority, were still unwilling to abandon their cause. Startling reports of negotiations between the Governor and Council of Vermont on the one hand, and the agents of the British ministry in Canada on the other; the flight of Luke Knowlton of Newfane, and Samuel Wells of Brattleborough, on the receipt of information of the passage by Congress, in secret session, of a resolution authorizing their arrest by the Commander-in-chief, in consequence of "a dangerous correspondence and intercourse" in which they were said to be engaged "with the enemy;" the constant passing and repassing of messengers; the fact that passports could be obtained from Governor Chittenden which would give the bearer a safe-conduct among the British in Canada—these and other circumstances induced

many to believe that Vermont was preparing to desert the American cause, and influenced some to seek protection from New York. In the town of Putney, forty of the inhabitants who had formerly acknowledged the authority of the latter state, returned to their allegiance. In a petition addressed to Governor Clinton, a number of the citizens of Hartford and Pomfret begged that they might be considered not "as those who had rebelled against the best of governments," when the district of the New Hampshire Grants should again become subject to New York.*

Notwithstanding the determined opposition with which the government and people of Vermont received the resolves of the 5th of December, those for whose relief they had been passed were not deterred from attempting to avail themselves of the rights which, according to these resolves, they were entitled to claim. Depending on the support of Congress, a certain Paul Nichols repaired to Bennington and endeavored to obtain possession of a gun and a quantity of ammunition which had been taken from him in the month of September previous. But Samuel Robinson, to whom he applied, denied that his property had been seized on the occasion referred to, and refused to listen to his application.

Determined to await the decision of Congress, Charles Phelps had remained in Philadelphia until the resolutions had been approved of. On the 9th of December, 1782, he set out on his return, bearing dispatches to Governor Clinton. Owing to a heavy fall of snow and the impassableness of the roads, he did not reach Poughkeepsie until towards the close of that month. On arriving at Marlborough in January, 1783, he desired three of his friends to accompany him and be present when he should demand the restoration of his effects. Whatever his previous opinion may have been concerning the efficacy of the resolves of the 5th of December, he now became convinced that they would accomplish but little unless supported by a military force. His demands were treated with scorn, and he found himself unable to obtain restitution or damages. He was informed that his sword, which had been taken from his son's bedroom, was in the possession of a Dummerston man, who had sworn that Phelps should never "have it any other way" than by receiving it in his body. He was also assured that a war-

* George Clinton Papers in N. Y. State Lib., vol. xvii. docs. 4989, 5055.

rant for his arrest was now in the hands of a Vermont deputy, and that he was liable to be taken at any moment. For greater security, he left his home and family and took up his residence in Guilford, the stronghold of the New York party. Here he remained during several months, and to this town he often resorted at a later period when safety counselled concealment.*

Of the four Yorkers who had been banished from the state and deprived of their property, Henry Evans, as has been already stated, having dared to return, was, for

Henry Evans

some reason not apparent, allowed to remain unmolested, though he still preserved his former views, refused to submit to the claims of Vermont, acknowledged the authority of New York, and maintained a friendly correspondence with Governor Clinton in behalf of himself and his associates.

William Shattuck, after an absence of more than two months, re-entered the state on the

Wm Shattuck

15th of December, 1782, and there remained among his friends until the beginning of the following January, when he received a summons from Governor Clinton, desiring his attendance at Poughkeepsie. His transactions with the Governor being ended, he returned home early in February, but had hardly become reinstated in his house when he was informed that a party, "employed by the express order of the pretended Superior court, in that district of country called the New Hampshire Grants," were on the alert to arrest him. He accordingly fled to Guilford, confident that the Vermonters could not raise a force on the east side of the mountains sufficient to apprehend him while he continued under the protection of his friends in that town. But he did not remain here long. Being desirous of notifying to Governor Clinton the condition of himself and his friends, he again visited Poughkeepsie, where, on the 22d of February, he made a formal deposition before Robert Morris of such facts as he deemed important. A few days later he was sent with dispatches to Philadelphia. Although a warrant

* George Clinton Papers in N. Y. State Lib., vol. xvii. docs. 4897, 4898, 4909, 5009. MS. Depositions of Charles Phelps.

for his arrest was in the hands of the proper officer, yet so long as he prudently refrained from rendering himself obnoxious to the laws of Vermont by special acts of disobedience, he was allowed to hold communication with his family without being molested.*



The sufferings of Timothy Church, as has been previously shown, were more in accordance with the denunciations with

which he and his friends had been threatened in the sentence of the Superior court. Having returned to Brattleborough on the 15th of December, 1782, he was seized on the 22d, in his own house, by a party of armed men, acting under the authority of Vermont, and taken to Westminster, where he was handcuffed and placed in jail. On the day following his arrest he was ironed, and conveyed across the mountains to Arlington. On reaching this place his irons were removed, but on being brought before Governor Chittenden he was again shackled by direction of that official, and committed to the jail in Bennington. For the first half week of his confinement he was kept in irons both by night and by day. During the four succeeding days his irons were taken off in the morning and put on again at evening. Subsequently these restraints were entirely removed. Being regarded with especial distrust, since by his own confession he had opposed the officers of Vermont after subscribing the "freeman's oath," a petition, in which he begged to be released, was viewed with but little favor by the Governor. But the temper which it displayed was regarded by some of the state Council as a favorable indication, and probably secured for him milder treatment than under other circumstances he would have received. With the design either of extorting a large sum of money from his friends for his ransom, or of forcing him to an unconditional submission, or of intimidating others who might be inclined to disobey the laws of Vermont, a report was disseminated that he was to be executed, and he was advised to prepare for the fatal hour. The currency which this rumor obtained is evident from its frequent

* George Clinton Papers. in N. Y. State Lib., vol. xvii. docs. 4909, 4910, 4941. MS. Deposition.

repetition in the letters written by various citizens of Vermont at that period.

At the end of a month and a half the solitude and misery of confinement was made more tolerable by the presence of a friend—a political prisoner like himself—and from that time until the hour of his release, he found intelligent sympathy in the company of Timothy Phelps, the deposed sheriff of Cumberland county. Wearied with vain attempts to propitiate the government of Vermont, Timothy Church and Timothy Phelps determined to notify to Governor Clinton their condition, in the hope of obtaining some relief through his interposition. The document in which they made known their situation and prospects was dated the 28th of March. It was drawn by Charles Phelps, and abounded in all that fulsomeness of diction and redundancy of expression, by which both his compositions and conversation were distinguished. Though intended especially for the perusal of the first person named in the direction, it was addressed to “His Excellency Governor Clinton, His Excellency General Washington, and to the Honorable Continental Congress as the Supreme Council of the United States of America.” Of the various topics discussed in this memorial—some of them wholly irrelevant and many of them unimportant—the most interesting to the prisoners were, without doubt, those which related to their situation and the means by which they could obtain relief. The description of their condition was sufficiently graphic. They are confined, wrote the amanuensis, “in the nasty, scandalous prison, erected by that detestable and most rebellious people, called the Vermonters, in Bennington.” In summing up the causes of their unhappiness, the same fertile pen declared it to be immeasurably disgraceful for them to be compelled to suffer imprisonment “from that vile nest of detestable, seditious Vermonters,” more especially at that period “when the triumph of the American arms” was adding transcendent lustre “to the honor, dignity, and grandeur of the arms of their glorious allies both by sea and land; reflecting lasting honor on the power, virtue, and courage of the house of Bourbon; and asserting the honor, establishing the grandeur, and eternizing the dignity and glory of his most Christian majesty’s triumphant flag.”

Sentiments and words like these, although they might have been hailed as patriotic had they originated elsewhere, did not serve to aid those for whose benefit they were intended. On the

contrary, it was noticed that from the day on which this grandiloquent application was drafted, the jailer refused to supply Colonel Church with food. But his friends did not desert him in this emergency. The "good people of Guilford" contributed from their wasted estates liberally for his support; and from the money which they sent him he was enabled to supply his wants during the remainder of his confinement. From the letters which the prisoners themselves wrote while at Bennington, it is clear that the life they there led must have been odious in the extreme. "Our estates," said they, in a joint communication to Governor Clinton, dated the 10th of April, "our estates—everything that we had—are seized and sold; our families are in the greatest want; destruction has seized our habitations, and we are left by our masters to perish in prison. This has befallen us because we have been true to Congress, and faithful to the state which we have ever been in. If there is any prospect of our being released from this stinking jail, we should be glad to know it, for we cannot stand it much longer. We came home under the royal law of Congress. That law Vermont pays no regard to, and without speedy help we shall sicken and die." In another letter to the same gentleman, dated the 1st of May, "It seems hard," they wrote, "that officers of a sovereign state, who have jeopardized their lives in the high places of the field* against the powers of Great Britain, should be kept in close prison by enemies of the United States against the royal law of Congress." Though in terms like these they bewailed their misfortunes, yet they were not ignorant of the conditions on which release could be obtained. To submit to these conditions was, however, a humiliation to which for a long time imprisonment seemed preferable—a disgrace, the indignity of which was only to be incurred when all hope of relief from other sources had failed.

During the late session of the General Assembly, a law had been enacted on the 24th of February, intended to facilitate the return to their allegiance of those who were desirous of again becoming subjects of Vermont. In the preamble of the act a suggestion was entertained, that some of those persons who had lately been convicted "of conspiring and attempting an invasion, insurrection, and public rebellion" against the state, and had been banished therefor, were "penitent and desirous of returning to

* Judges, chap. V. v. 18.

their duty." To this was added a declaration that the Assembly were desirous at all times of showing mercy, provided it could be done consistently with the public safety. On these grounds the Governor and Council "were fully authorized and empowered," in the words of the act, "upon application to them made during the adjournment of this Assembly, to pardon any of the said persons who have been banished from this state by the Supreme court, as aforesaid, in as full and ample a manner as this Assembly could do if convened." At the same session another act had been passed, granting pardon to Timothy Church who had been "found guilty of treason," but who had by his own petition declared his "sincere and hearty penitence, and a determination to behave orderly and submissive" in case he should receive forgiveness. The condition of pardon and of the remission of the sentence passed upon him in the month of September, 1782, was the payment of all costs which had accrued in consequence of his trial and imprisonment.

Aware of these legislative provisions, and weary of prison life, Colonel Church at length applied for his release. In answer to his application, Governor Chittenden informed him that, to obtain a discharge, he would be obliged to give his bond with surety for the payment to the treasurer of Vermont of £20 10s. lawful money of Massachusetts, the sum due for costs of trial; and pay £4 11s. for seven weeks' board in jail. To these terms he consented, and on the 16th of May left a prison where he had dragged out nearly five months of confinement in cold, want, and pain. During the period of his banishment, his family had been permitted to reside upon and improve his farm, "by the permission and indulgence" of the state. The same privilege was now accorded to him. But his whole estate was still regarded as confiscated, and levies were not unfrequently made upon his cattle or his household goods, whenever a collection was to be made to replenish the treasury of the state. In a deposition which he made on the 24th of June, referring to the sufferings to which he had been subjected, he stated that, "although no formal regular charge" had been exhibited against him, he was satisfied that "the only cause for which he was apprehended and confined was his returning home after he had been banished," and that the cause of his banishment was the acceptance of a commission from the state of New York. On the same occasion he affirmed his loyalty in the most positive manner, declaring that he "never did acknowledge himself to

owe allegiance or subjection to the pretended state of Vermont, but, on the contrary, had always, since the first attempt to establish that pretended state, claimed himself to be a subject of the state of New York.”*

At the close of his imprisonment at Westminster, Timothy Phelps with his three associates, on the 4th of October, 1782, had been carried across the Connecticut into New Hampshire, and there banished for ever from the state of Vermont, the penalty to be death in case he should return. Finding himself free to travel anywhere except within the prohibited district, Phelps bent his course southward, and on reaching Hadley, Massachusetts, tarried there awhile at the house of his brother Charles. Thence he proceeded to Norwich landing, Connecticut, and was there residing with a brother-in-law when he heard of the passage of the resolves of the 5th of December. With full faith in the efficacy of their provisions he returned home in the latter part of January, 1783. The rejoicings of his family on this occasion were heartfelt and triumphant. They not only believed their troubles ended, but were confident that their fortunes were made; that the estates which had been confiscated would be restored; and that immense damages would be awarded for false imprisonment, banishment, and threats of death. Though it is hardly possible that anticipations as bright as these could have met their full realization from any act of the people or government of Vermont, yet it is highly probable that Phelps, had he remained quietly on his farm, would have suffered little or no molestation. But such was not his nature.

On the 4th of February, a session of the Superior court was held at Marlborough. The presence of the judges in his own town, before whom he had been tried and found guilty, and from whom he had received sentence of banishment, aroused within the breast of Phelps that old feeling of hatred, which absence from the scenes in which it had been most exercised had tended in some degree to abate. Confiding in the power under which he acted, and completely assured that no body of men claiming to be Americans would dare to disregard the decrees of the highest council in the United States, he boldly entered the court-house on the second day of the session, armed and garbed as a sheriff deriving authority from the state of New York.

* George Clinton Papers, in N. Y. State Lib., vol. xvii. docs. 4951, 5009, 5066, 5105. Acts Gen. Ass. Vt., Feb., 1783. Slade's Vt. State Papers, pp. 467, 470.

Having reached a commanding position, he reminded the court that they were exercising a usurped authority, and referring to their action on a former occasion touching himself, demanded of them full and ample restitution for the injuries he had sustained by banishment, by the confiscation of his property, and by the loss of personal liberty. He then took from his pocket the resolves of Congress, but had hardly commenced reading when he was interrupted by the chief judge, the Hon. Moses Robinson of Bennington, afterwards Governor, who exclaimed:—"What supercilious arrogance have we here? Sheriff, take that disorderly man into custody! We are not subject to the authority of Congress!" These words, pronounced with emotion, and in a voice corresponding with a scene so strange and unexpected, threw the whole house into confusion, and put an end at once to the business of the court.

Sharing in the astonishment which was visible in every countenance, and confounded at the audacity of the veritable sheriff of Cumberland county, the Vermont sheriff, Dr. Elkanah Day, hesitated whether to obey the order or not. Noticing this indecision, Phelps, whose natural bearing was dignified and manly, drew himself up to his full height, and elevating his powerful voice, commanded, "in the name and by the authority of the state of New York, and of the Continental Congress, the unlawful assemblage before him, forthwith to disperse." The courage manifested in the attitude he had assumed, sustained as was boldly claimed by a power capable of making itself respected, was not without its effect on the audience. However the authorities of Vermont might despise and resist the laws of New York, they could not be blind to the fact that on many occasions Congress had been the sheet-anchor of their hopes, the promoter of their welfare, the defender of their hearths and homes. For a moment, reflections like these seemed to pervade the thoughts of all present. The Vermont sheriff, as he stood confronting the man who claimed his title and office, seemed perplexed. At this juncture the voice of Judge Robinson was again heard:—"Sheriff, do your duty! Imprison the convicted traitor!" Commanding the populace to render their assistance in case he should require it, Dr. Day drew his sword of office and prepared to make the arrest. Phelps seeing that resistance would be useless, that popular feeling was against him, and that there were none present to support him in case he should attempt his own defence, quietly

awaited the result. The sheriff approached. "What is your will, sir?" demanded Phelps, as he laid his hand on the hilt of his sword. "You are my prisoner, disarm yourself!" replied the sheriff. While engaged in unbuckling his sword-belt, Phelps turned towards the crowded assemblage and said, "Fellow-citizens of Cumberland county, your sheriff is deserted; his lawful authority is disobeyed; I yield to brute force." Addressing, then, the officer, he reminded him that the usurped authority under which he acted, would, in all probability, be of short duration; that Congress were willing, ready, able, and had pledged their honor to execute their decrees; and that a terrible retribution for the deeds of that day would soon overtake him and the masters he served. With these sentiments on his lips, Phelps placed the hilt of his sword in the hand of his opponent, and yielded himself a prisoner.

While the sheriff was bearing him off, the populace, the majority of whom were his near neighbors, followed in disorderly procession. Though up to this hour they had been in the daily practice of interchanging with him the civilities of friendship; though many of them had often received assistance and kindness at his hands; though some were even then living on farms which they had obtained by his aid—forgetting these favors, they were now foremost in heaping condemnations upon him, on account of his political offences. As they crowded around him, they gazed at him with the same sort of curiosity in their looks and actions, as they would have shown had he been a chained lion, just taken from the forest, whom his keepers were conveying to his cage. Until a decision should be made as to his future treatment, Phelps was placed in the guard-house at Marlborough. Opinions were various as to the course which should be pursued towards him. By some he was adjudged guilty of death, since he had rendered himself liable to the penalty denounced against him in case he should return. There is a tradition that he was even sentenced to be hung; that he was informed by those who came to visit him that his doom was fixed; that the rabid language of the multitude, which he was compelled to hear, justified the sacrifice that was to be made; and that the reflections natural to one placed in a condition so solemn as was his, were disturbed by the sounds which echoed from the blows of the workmen as they fashioned in the jail-yard the gallows on which the traitor was to die.

Happily for all parties, gentler counsels prevailed. Prudence

or humanity dictated another course. Before the court had closed their session, the sheriff received an order "to transport Timothy Phelps, by the nearest and most convenient route, to Bennington jail, and commit him to the keeper thereof, to await the further order of the law in his behalf." He remained during the rest of the week at Marlborough, under the care of a guard of armed men, who at the end of that time escorted him across the mountains, and on the 11th of February lodged him in Bennington jail. Thus was Timothy Phelps, in the dead of a Vermont winter, incarcerated in a cold and cheerless prison with common felons. He was not, however, entirely deprived of sympathy. In the company of his friend and fellow-sufferer, Timothy Church, he passed many an hour which would otherwise have been devoted to the most mournful reflections. Being permitted to maintain a correspondence, he beguiled his moments by writing to his family, and to others whom he believed interested in his condition. From the first letter which he wrote, jointly with Col. Church, to Governor Clinton, and from the petition drawn by his father, Charles Phelps, which accompanied it, extracts have been already given. Another communication from the pen of the latter gentleman in behalf of the prisoners, bearing date the 8th of April, shows that Church was not alone in being thrown upon his friends for support. "My son has again sent to me for more money to subsist himself upon in prison;" wrote Charles Phelps, "how I can get it I know not."

It is from the letters of Timothy Phelps himself, however, that a true idea may be formed of his condition while in the jail at Bennington. "You must excuse my scrawl for I wrote it on my knee," he remarked at the close of a letter to Governor Clinton, dated the 1st of May. "I meet with insult on insult," wrote he in another portion of the scrawl. "Vermont authority have seized and sold all my goods, chattels, and estate, and they keep me close confined in jail without any kind of support. My money is all gone, and I live upon the charity of my friends. My family are put to the greatest straits. My health decays, and when hot weather comes I don't know what I shall do. The officers of Vermont tell me that I shall be in jail to all eternity unless I petition to their Governor. I tell them I will see them all damned before I will, without Congress shall make them a state. It is to my own masters I stand or fall." Proving thus his loyalty both by his words and his deeds, he besought Clinton to inform him whether there was any proba-

bility that Congress would make any exertions to enforce the "royal law" of the 5th of December last, trusting to which he had returned in spite of the sentence of banishment which had been passed upon him.*

In a subsequent communication, he again reminded Governor Clinton of the losses he had sustained, and of the privations he was enduring in consequence of his attachment to New York. Then referring to the last attempt that Congress had made to relieve the subjects of that state, he exclaimed:—"If the authority of thirteen sovereign states cannot put one law in force so just as this is, too—a law built on holy writ—the Lord have mercy on them!" "I am in a much worse situation," he added, "than Col. Church was. They have ruined and undone me, and now they seek my life to take it away. I cannot consistently with my oath do anything towards petitioning the authority of Vermont, before I hear from my Governor. Therefore, if there is no beam of hope that Congress will ever put that law in force, I wish I might know it. Then the world will know that the authority of Thomas Chittenden, Esquire, is above that of all the rest of America."

The meat which Phelps was compelled to eat was that which had been condemned as unfit for others. The cruelty of the treatment he experienced, and the loathsomeness of the prison, reduced him to "a low, languishing, and sickly condition," which led him to apprehend that death would soon put an end to his troubles. Not content with subjecting their prisoner to the rigors of cold, hunger, and confinement, some of his more thoughtless persecutors often amused themselves by reviling Congress, and cursing the troops of the United States in his presence, for the purpose of engaging him in an argument. On one occasion the sheriff of Bennington county came to him in the dead of night, and told him he was to be hanged in three

* The letter from which the above extracts have been made, was found by John D. Fonda, at a town-meeting in "Hoosick District," a few days after it was written, "passing from hand to hand," and was by him forwarded to its destination. In the note which he sent with it, dated May 8th, 1783, he said:—"A few days ago I sent some money to Col. Church, understanding his necessity in gaol, and I believe the within letter was meant to be given to me to send to your Excellency. The prisoners not only receive hard usage and threats, but are sometimes thirty-six hours, as I hear, without anything to satisfy their craving appetites. I would have gone myself to see the gentlemen, but, to tell your Excellency the truth, it is not safe for me to go to the gaol to support them." George Clinton Papers in N. Y. State Lib., vol. xvii. doc. 5042.

or four days. "I am surprised," remarked Phelps with composure, "that you should presume to execute the high-sheriff of the county of Cumberland, in the state of New York, which is, by the grace of God, free and independent." This answer enraged the Vermont sheriff, and a violent discussion ensued, which ended in a repetition of the threat with which the conversation had begun—a threat intended only to frighten. Hoping to obtain, at least, temporary relief, Phelps reminded Judge Robinson of the disregard paid to the resolves of Congress by the very cruelty with which he was treated. But the Judge informed him that he looked upon Congress with the utmost disdain, and asked him how he could suppose the people of Vermont could do otherwise than coincide in this sentiment.

During his confinement he was sometimes visited by Ethan Allen, whose tyrannical manner, always unpleasant, was particularly distasteful to the imprisoned official of Cumberland county. With his accustomed oath, as familiar to his lips as "By the Eternal" is said to have been to the lips of Jackson, Allen would often swear before him that "he would march into Albany with his Green Mountain Boys, and set up and be absolute monarch of all America." His language on other occasions was mingled with that bitter sarcasm so peculiar to himself, and so forcible when he chose to employ it. "Congress cannot release you," said he to Phelps; "I swear they can't." "I have written largely," he continued, "concerning the rights of Vermont in books that have been published to the world, and I have also written a remonstrance against these resolves of Congress. All the world knows that Congress can't break up states, much less this state which is the oldest in America." "You have called on your god Clinton," he added, in a manner as taunting as was that employed by Elijah towards the prophets of Baal, "you have called on your god Clinton till you are tired. Call now on your god Congress, and they will answer you as Clinton has done."

Spring had passed, the summer had begun, and the sufferings of Phelps, whose condition would have been comparatively comfortable had he been treated like a common prisoner, had become almost intolerable. Allen had counselled him to apply to Governor Chittenden for relief, and the silence of Governor Clinton, of whom Phelps had asked advice, was construed as favoring this course. At this juncture he was visited by his wife, who, with her infant six weeks old, and her brother a boy

of sixteen, had crossed the mountains on horseback for the purpose of effecting the liberation of her husband. The appeal which she made to Dr. Joseph Fay, in behalf of the prisoner, was not without effect. "Let him now," said the Doctor, "abandon those who have abandoned him; adhere to the laws emanating from an authority able and willing to protect him; and give us his word of honor that he will do so, and he may be assured that he will thereupon be liberated from prison and protected in his rights." Having determined to obtain his release, if possible, Phelps presented to the Council of Vermont, who were then convened at Arlington, a petition in which he prayed to be discharged from the sentence of the court which had been passed upon him in September last, and promised "allegiance and obedience" to the laws of the state. The Council required him to pay the costs of the trial which had resulted in his imprisonment, together with the charges arising from his commitment and support, and to give a bond with large security for his good behavior. With these terms he complied on the 24th of June, and thus was ended an imprisonment whose effects, both on the body and the mind of the sufferer, ceased only with his life.*

On the 15th of June, Charles Phelps was informed that a number of the people of Vermont were coming with an armed force to seize him and others, with the intention of confining them in the jail at Bennington. To avoid the danger he fled to Poughkeepsie, and, in a deposition drawn by Governor Clinton, declared his belief that there was a plan on foot to arrest a number of the principal persons opposed to "the pretended state," in order that the collection of Vermont taxes might be rendered more easy. On the same occasion, Timothy Church committed to writing an account of the indignities he had been compelled to suffer. As a result of the information thus communicated, Governor Clinton, on the 24th of June, addressed to the latter gentleman, who was about to return to Cumberland county, a letter of advice in these words:—

"In consequence of the communications which have been made to me by Mr. Phelps and yourself, with respect to the present situation of the subjects of this state in Cumberland

* MS. Narrative of the Phelps Family. MS. Deposition of T. Phelps, Feb'y 7th, 1784. Records of Vt. Council. George Clinton Papers in N.Y. State Lib., vol. xvii. docs. 4939, 5009, 5042, 5066.

county, and the dangers which they appear to be threatened with, I would advise you in case of an attempt by the usurped government of Vermont to compel obedience and submission from any persons claiming to be subjects of this state, to call out your regiment under the militia law, and, by opposing force to force, endeavor to quell the insurrection: and if any of the inhabitants professing to be subjects of this state should be made prisoners by the authority of the usurped government, I would advise you to retaliate by taking as many of the insurgents, and detaining them under secure conduct as hostages, until the matter can be represented to Congress. In order that you may be prepared to defend yourselves against these violences, it now becomes your duty particularly to see that your regiment is properly provided and equipped with arms and ammunition, agreeable to the directions of the militia law. I would, at the same time, again impress you with the propriety of still strictly observing the resolutions of Congress, recommending peace and forbearance, and that you in nowise be the aggressors, and would earnestly advise you to use every pacific mean consistent with the obligation of allegiance to this state, for preventing matters from being brought to a decision by arms, and that in no instance you recur to force, unless your persons or properties are in certain immediate danger. Taking due care at the same time to guard against surprise, I shall take the earliest opportunity of transmitting to Congress the depositions of yourself and Mr. Phelps, informing of the treatment you and Mr. Timothy Phelps have received from the usurped government, and I have no doubt that Congress will discover the necessity of their immediate interference for your relief and protection, agreeable to the public faith solemnly pledged in their resolutions.

“From the communications made to me by the delegates of this state, I have reason to believe that if the attention of Congress had not been necessarily diverted from the subject, first by the deranged state of our public affairs, and afterwards by the great event of a peace, they would ere this have taken measures for enforcing obedience to their resolutions, and have determined as to the boundaries of the state. And I flatter myself the question will very soon be resumed and decided.

“There are many considerations which I forbear repeating, and which should induce us to rest the determination of this

matter with Congress, in whose justice we ought to have the fullest confidence, and who can command the force of the United States to carry their decisions into effect.”*

Such was the language in which Governor Clinton endeavored to relieve the despondency of men, who, like Church and the Phelps, were daily subjected to indignities or derision on account of their loyalty to New York.

During the summer of 1783, although no outbreaks worthy of especial note occurred between the two parties, yet their suspicions of one another increased daily. In Guilford the Yorkers held the power and prevented the Vermonters from executing their laws and collecting taxes. But this exercise of authority did not prevent the Vermonters from maintaining a correspondence with the state government. By means of committees, the Council were informed of the movements of the opposing party, and a knowledge of this communication served as a partial check upon the conduct of the Yorkers. The result of such a condition of affairs was mutual terror and distrust. Arms were carried—by the bold openly for assault when opportunity offered, by the timid secretly for defence when necessity compelled. Houses were divided—the father upholding the jurisdiction of New York, the sons maintaining the supremacy of Vermont. Friendships the most intimate were disturbed. The word neighbor carried no meaning with it beyond the idea of contiguity. The physician could not visit his patient in safety unless protected by a pass. The minister of the gospel failed to enforce the doctrine of Christian charity on the hearts of men who knew none for one another. Letters from Governor Chittenden were circulated by the one party, denouncing the severest retribution upon those who should disregard the laws of Vermont. Words of encouragement issuing from Governor Clinton were repeated by the other party with great unction, and better times were prophesied when Congress should enforce the claims of New York. Handbills, inflammatory in nature and unconciliatory in spirit, were posted on tavern, and on dwelling, and on fence; were seen peering from the pockets of sturdy farmers; and were thrust under doors at night to be picked up and read in the morning. Social order was at an end. The farm and the workshop were neglected. But for the mutual suspicion that lurked in every eye and burned for utter-

* George Clinton Papers in N. Y. State Lib., vol. xvii. docs. 5104, 5105, 5106.

ance on every tongue, one would have supposed that an Indian force was expected, as in earlier times, that had vowed to ravage the fields, burn the village, and murder the people. Sometimes the Vermont authorities would determine to arrest a "violent Yorker." A scene of confusion would ensue resembling the beginning of a civil war. The pay-rolls, which are still preserved, bear witness to the frequency of the calls made upon the soldiery on both sides of the mountains to "go on an expedition to assist the sheriff in Windham county."

The resistance of the New York party had now assumed a form so determined, that the government of Vermont were convinced, that, unless speedy and stringent measures were taken, results would follow which might be fatal to the well-being of the state. At the autumnal session of the Legislature, the condition of the state was the principal topic of discussion. To ascertain the views of all to whom the administration of the government had been entrusted, the Governor, the Council, and the General Assembly united in grand committee on the 22d of October, and in this capacity held a long and serious consultation. Forcible resistance was deemed the only remedy which could be applied with any hope of success, and the measures recommended were consequently of this nature. The report of the committee was readily adopted by the General Assembly, and an act was passed for "the purpose of raising one hundred able, effective men to assist the civil authority in carrying into execution the law in the southern part of the county of Windham." In the preamble of this act it was stated that a number of persons living in the southern part of the aforesaid county, had banded together "to oppose sheriffs, constables, and collectors in the due execution of their offices," and in many instances had proceeded to "outrageous abuses" which threatened the ruin of government unless speedily remedied.

The command of this special company of state troops was entrusted to Col. Benjamin Wait; and to him and to Brig.-Gen. Samuel Fletcher power was given to discharge the new levies within the six months for which they were to be enlisted, provided they should have accomplished the end desired before the close of that period. They were required to furnish themselves with arms, but the commissary-general was directed to supply them with ammunition, provisions, and "spirituous liquor." In the subsequent deliberations of the grand committee it was distinctly asserted that the intention of govern-

ment was not "to be severe" with those who had heretofore opposed the laws of Vermont, provided they should now become citizens of the state. Colonel Wait was accordingly directed to issue special orders to his men, not to meddle with the person or property of any who should quietly submit. The committee also announced that those who should voluntarily yield, and take the oath of allegiance to the state, should not be prosecuted on the part of the freemen of the state, until the rising of the next session of the Legislature, and, in addition to this concession, engaged at that time to pass an act of pardon in their favor, in case they should petition for forgiveness. At the same time the committee notified their intention of using their influence to persuade the Governor and Council to remit the fines which had been previously levied on the Yorkers. In closing their consultation, they declared that the only way in which those who had sustained losses by confiscation could receive remuneration, was by submitting to government and asking compensation of the Legislature.*

In conformity with the spirit exhibited in the conciliatory portion of the deliberations of the grand committee, the General Assembly, in a formal resolution passed on the 23d, requested Governor Chittenden to issue his proclamation, offering a free and ample pardon to all persons resident in the southern part of Windham county, who, having heretofore opposed constituted authority, should now take the oath of allegiance before any justice of the peace, within thirty days after the promulgation of the offer of forgiveness. On the same day an act, displaying a different temper, was passed by the General Assembly, "to prevent the inhabitants of New York being allowed greater privileges within this state than the inhabitants of this state are allowed within the state of New York." By this act it was settled "that no person or persons, being an inhabitant or inhabitants of, or residing within the jurisdiction of the state of New York, shall, within the time of his, her or their residence as aforesaid, commence any suit or suits at law, within the jurisdiction of this state, against any inhabitant or resident thereof, for any civil matter or contract, until the Legislature of said state of New York shall allow the inhabitants of this state full liberty to commence the

* Thompson's Vt. Gazetteer, pp. 142, 143. MS. Report of Grand Committee, Oct. 22d, 1783. Slade's Vt. State Papers, pp. 476, 477.

like suits within their jurisdiction, and without any such lets or hindrances.”* Upon the majority of the Yorkers these measures—some of them defiant, others protective, and still others persuasive—tended to produce an effect contrary to that which had been expected. Opposition served to unite them, and until they should find defeat inevitable they resolved to withstand the execution of laws originating in an authority which they did not acknowledge. At the same time they were equally determined to pursue such a course on other occasions, as they should deem best calculated to promote the interests of New York and of the United States.†

Owing to the part which they had borne in the negotiations which Vermont—not only for her own safety as a state, but also as a supporter of the cause of America—had been compelled to carry on with the British in Canada, Luke Knowlton and Samuel Wells had been suspected of being in the service and pay of the enemy. For this reason Congress, in secret session, had on the 27th of November, 1782, ordered their arrest. But they, having received notice of the order, had escaped before the officer, sent to take them, could arrive. A year had passed since the occurrence of these transactions, and Knowlton, having returned home, was now residing at Newfane. Many of the Yorkers still supposed him to be in league with the British, and for this reason were desirous of securing him, or of removing him to some other state. With this intention, Francis Prouty, Thomas Whipple, and Jonathan Dunkley of Brattleborough, John Wheeler and Darius Wheeler of Newfane, and a number of others,‡ being armed, as was represented, with “clubs, guns, swords, pistols and bayonets,”

* Slade's Vt. State Papers, p. 475.

† The annexed extract from a newspaper published at this period, contains a brief account of the submission of the citizens of Halifax to the authority of Vermont. The course pursued by them, was the reverse of that adopted by many of their neighbors.

“Windsor, Vermont, December 8, [1783.] Advices from the lower part of Windham county mention that the inhabitants of the town of Halifax, who have heretofore refused to support the authority of Vermont, and acted in opposition to its government, have lately come in almost to a man, taken the oath of allegiance, discharged their arrearage taxes, and appear desirous to assist in quelling those disturbers of the public peace, who have long infested the southern part of this state.”—Boston Evening Post, Saturday, January 3d, 1784.

‡ David Howe, Samuel Noble, Ephraim Knapp, Ephraim Rice, Jonathan Stoddard, Isaac Kendall, and Isaac Crosby were participators in the seizure.—MS. Court Records.

assaulted his house about two o'clock on the morning of the 16th of November, 1783, and, having made a forcible entrance, took him prisoner, conveyed him across the line of the state into Massachusetts, and there left him. As soon as the seizure of Knowlton had transpired, Brig.-Gen. Fletcher gave orders for the military to assemble. With prompt obedience more than a hundred men belonging to the regiment of Col. Stephen R. Bradley and Col. John Sergeant rendezvoused and reported themselves ready to act as their leaders should command. But the return of Knowlton after a short absence, and the dispersion of the Yorkers, rendered their services unnecessary, and prevented a meeting which might have proved disastrous to both parties.

The matter was not, however, allowed to rest here. On the 18th of November a complaint was entered against the rioters by Edward Smith, a constable of Newfane, and a warrant was issued by Samuel Fletcher as one of the Councillors of the state, for their arrest. Thomas Whipple and John Wheeler were taken without difficulty or delay, and a justices' court was immediately organized—Samuel Fletcher, who was also a civil officer, presiding—for the examination of the delinquents. Whipple, being charged with an assault, acknowledged his guilt, and stated that he with a number of others had, in obedience to the commands of Francis Prouty, assisted in carrying Knowlton without the bounds of Vermont. Having given bonds in the sum of £100 with sureties for his appearance, he was dismissed until the next session of the Superior court. The result of Wheeler's examination is not recorded. A few days later Jonathan Dunkley was arrested, and on examination had before Mr. Fletcher, on the 27th, was recognised in the same amount of bail that had served to effect the temporary release of Whipple. The constable's returns show that he further succeeded in taking "the body of Darius Wheeler," on the 24th, and that John Wheeler became responsible for his appearance before Mr. Fletcher. No account of his examination has been preserved. The chief offender, Francis Prouty, was still at large. and it was well known that it would not be as easy to secure him as it had been to secure his abettors. When the brave deputy sheriff, Barzillai Rice, sought for him, he found him, on the 1st of December, at home, in company with five of his neighbors. The little party were well provided with guns and pitchforks, the latter having been turned from a peaceful use to a

service of an opposite nature. On approaching the house, the deputy was confronted by Prouty, who, in language striking and emphatic, warned him to desist, and declared he would "be the death of him," or, at the least, would "let out his guts," in case the deputy should attempt to enter his domicile or touch his person. Well knowing that the pitchfork by its peculiar conformation, is admirably adapted to inflict wounds of a remarkable nature, the deputy resolved to finish his call at Mr. Prouty's on some other occasion, when, even if his official presence should not be more acceptable than now, his person might be more secure.

The day that witnessed the defeat of the deputy at Brattleborough, by means of "guns and pitchforks," beheld an assemblage at Guilford numbering more than seventy Yorkers, armed "with dangerous and offensive weapons." Their rage on this occasion was directed against Benjamin Carpenter, a staunch Vermonter, who had already held many important positions both on the field of battle and in the administration of government, and of whose physical and mental condition combined his epitaph has preserved a quaint record, which declares that his "Stature was about six feet. Weight 200. Death had no terror." But even these qualifications, sufficient to disarm the last enemy of his power, were not of a nature to protect their possessor from the attacks of an earthly foe. He was taken prisoner by the Yorkers,* and carried away "to his great damage." There is no written, printed, or traditional account to show in what this damage consisted, nor is there reason to believe that it was very serious in its nature. Whatever it might have been, he survived it many years, and lived to see the final establishment of the state, of whose constitution and government he was a founder. Occurrences like these were sufficient to convince the government of Vermont of the determined nature of the opposition of the Yorkers. Retaliation, as on former occasions, was again resorted to.

Though William Shattuck had not been released from the penalties which had been imposed upon him by the decree of banishment, yet so long as he refrained from inimical acts he

* The more prominent actors in this seizure were, Abraham Avery, Cyril Carpenter, James Davison, Hezekiah Broad, Henry Evans, Nathaniel Carpenter, Adonijah Putnam, Joshua Nurse, Jotham Bigelow, Newell Earl, Henry Evans Jr., Joseph Peck, Daniel Ashcraft, Joseph Shepardson, David Goodenough, all of Guilford; Charles Phelps of Marlborough; and Eleazer Church of Brattleborough.

was allowed to live in the undisturbed possession of his house and farm. Still he was obliged to render to the treasurer of the state of Vermont an account of the income and expenses of his estate. Having again become obnoxious to government, he was arrested on the 25th of December by Oliver Waters, a Brattleborough constable. Being placed in charge of a guard commanded by Major Boyden, he was conveyed to Westminster. Here, after undergoing an examination before Justice Nathan Fisk, in consequence of the disregard he had shown to the sentence by which he had been forbidden to return on pain of death, he was sentenced on the 27th to be imprisoned in "Bennington Gaol," without "bail or mainprize," until he should be discharged by due course of law. Again, under the direction of Waters and his posse, he was escorted across the mountains to his place of destination, where he was confined in irons on the 3d of January, 1784.*

Kindly treatment had also been manifested towards Charles Phelps, although he had been indicted at the same time that his four friends were banished. By a resolution of the General Assembly of Vermont, passed on the 20th of October, 1783, Governor Chittenden had been requested to grant him permission to visit Westminster; to attend upon the deliberations of the General Assembly then in session at that place; and to return to his place of abode. This request was complied with on the 21st of October, and he was allowed "to pass unmolested from Walpole" to Westminster, there to remain during the Governor's pleasure, and thence to return to Walpole. All persons were warned to take notice of this permission, and to "govern themselves accordingly." Subsequent acts of opposition again brought him into a hostile position in the eyes of the Vermonters. On the 3d of January, 1784, a warrant was issued for his arrest. Being taken on the 4th he was imprisoned in the jail at Westminster, and the keeper was ordered to retain him in custody until the courts should declare their opinion respecting his future treatment.†

Terrified at the summary manner in which the government of Vermont appeared determined to treat its opponents, a number of the most prominent adherents of the New York party assembled at Brattleborough on the 6th of January, and addressed a

* MS. Court Records. Papers in office Sec. State Vt. MS. Papers of S. R. Bradley.

† MS. Papers of S. R. Bradley.

petition to the authorities of the state, couched in these words: "Whereas the exigences of the people living in sundry of the towns on the Grants, viz., Brattleborough, Guilford, Hinsdale, and others, demand the most serious consideration of the virtuous citizens both of the subjects of New York and Vermont, and a zealous assiduity to come to some equitable and salutary measures to prevent all kinds of severity against each other, or any hostile measures which will finally bar the benevolent exertions of the subscribers in their humble address to the authority of Vermont.

"Therefore it is most humbly prayed and earnestly desired by each of us, the subscribers, that the authority of Vermont would immediately release Major Shattuck and Esquire Phelps from their present imprisonment; also cease from acts of the like kind, and restrain the troops raised and to be commanded by Colonel Wait, from marching for the support of the government, until the rising of the next session of Assembly in February next, at which session of Assembly, the subscribers, who profess themselves to be subjects of New York, really intend by themselves or by agents appointed for that purpose, to make application to said Assembly of Vermont, for a general purification, and an amicable settlement of past misunderstandings and things which have happened between the people claiming to be subjects of New York and Vermont, upon just and equitable terms, consistent with the rights of mankind, the constitution of Vermont, and the authority of the United States of America."*

The reply of Governor Chittenden to this communication, dictated by those principles of loyalty which he owed to the state, and expressed in his own terse and emphatic language, was far from an endorsement of the views which had been set forth by the petitioners. "Gentlemen," he wrote on the 10th of February, "I received a request signed by you, which appeared to be designed for the consideration of the authority of this state. Viewing it to have come only from those in opposition to this government, it would not admit of an answer for many reasons which appear obvious from the tenor and style of your writing. I shall, however, inform you, my friends, of my

* The names appended to this petition were those of John Bridgman, Samuel Knight, John Houghton, Jonathan Hunt, William Biglow, Timothy Church, Henry Evans, Jotham Biglow, Orlando Bridgman, Francis Prouty, Edward Carpenter, Timothy Phelps, Hezekiah Stowel, Amos Tute, Elijah Prouty, Rutherford Hays.

sentiments respecting the matters contained in it. The prospects I have had, which are well known to you, since the rising of the Assembly, of a general submission which was the only object of government, have been the only cause of the unexpected delay of the march of the troops.

"I am very certain were the Assembly now sitting they would have no bargain to make with the people who have given us so much trouble without any object. I cannot say what might be done by them to prevent the march of Colonel Wait's troops. This I can say, that nothing short of an immediate and universal submission can effect it."*

Pending this correspondence, the Vermonters continued to harass the Yorkers with an energy which accorded well with the late proceedings of the General Assembly. Although a warrant for the arrest of Francis Prouty had been in the hands of the constable for more than a month, yet by his vigilance the wily Lieutenant had eluded all efforts to take him. His capture was effected at last by a party of men who broke into his house on the evening of the 8th of January, and removed him thence to prison. On the same night Seth Clark, a New York sergeant, was disposed of in a similar manner. Determined to teach the Guilfordites a lesson, a party of five men, armed and prepared for attack or defence, entered the house of Capt. Joseph Peck, a few hours after the arrest of Prouty and Clark, leaving a number of persons on the outside in case their aid should be needed. Not finding the object of their search, and being unable to obtain any information from Mrs. Peck on the subject, they plundered the house, carrying off a sword and such other weapons as they could obtain. About one o'clock on the morning of the 9th the same party entered the dwelling of Maj. Henry Evans, whom they could not find, and of whom his wife could give no reliable account. A candle and a tinder-box, taken from the ample pocket of one of the intruders, gave them light in prosecuting their investigations, and enabled them to appropriate a gun, a sword, and a quantity of ammunition, as the reward of their labors. They next entered the house of Mary Carpenter, but finding there neither arms nor men, betook themselves to the residence of Hezekiah Broad, and made inquiries for him of his wife Sarah. In this instance, as in two of the instances already mentioned, their visit was without suc-

* MSS. in office Sec. State Vt., ix. 229.

cess. Broad, like many other Guilfordites, had been warned of their coming, and had wisely withdrawn from observation. In enterprises like these they were engaged until morning, and were so fortunate as to secure a number of old blunderbusses, rusty swords, curiously carved powder-horns, pousy bullet-bags, and long, snake-like shot-pouches.*

Willing to put an end to these nocturnal visitations, Stephen R. Bradley, on the 10th of January, addressed a letter "To the inhabitants of the town of Guilford and its vicinity, who have been opposing the government of Vermont." "I officially acquaint you, as Attorney-General for the freemen of the state of Vermont," said he in this communication, "that government wishes for your welfare as a people, and notwithstanding the coercive measures that are adopted, are willing to do everything for you consistent with the welfare of government; and I now assure you, upon your desisting from your opposition, and returning peaceably to your families, your persons and properties shall be protected; and in order for that, upon your certifying under your hands on your parol of honor to me, or to the sheriff of this county, or his deputy, or to Major Josiah Boyden of Fulham, that you will not directly nor indirectly do any act or thing prejudicial to the state of Vermont, all prosecutions against any of you shall be no further prosecuted till the rising of the next General Assembly, when I trust you may meet with all desired lenity. I except nevertheless all persons who have been taken by the officers of government, and such as have been banished. What you do in this respect must be soon, as the matter is now become serious." Irritated by the indignities to which they had been subjected, the Yorkers were in no spirit to accept of conditions or apply for pardon. Meantime the Vermonters persisted in executing the laws of their state. On the 10th, warrants were issued for the arrest of Henry Evans of Guilford, and Eleazer Church and Nathaniel Chandler of Brattleborough. Church, who was taken on the 12th, was brought before Justice Nathan Fisk of Westminster, and being charged with "treasonable conduct" was lodged in the jail of that town, "loaded with irons." On the 13th, Chandler was also committed.†

From the latter part of October, 1783, to the present time, a detachment of state troops, which had varied in number from

* Various MS. Depositions.

† MS. Papers in office Sec. State Vt.

twenty-five to sixty-five, had been under arms for the purpose of quelling any outbreaks that might arise, and for assisting the sheriff in performing the duties of his office. They it were who had made arrests in the night time, and removed such means of defence as they could find, from the houses of the opposition. The quarters of Com.-Gen. Joseph Farnsworth, Maj. Josiah Boyden, Ens. Oliver Waters, and Lieut. Experience Fisk, the officers of this detachment, were at the inn of Josiah Arms, in Brattleborough. Enraged by the conduct of the soldiers of this detachment, the Yorkers determined to retaliate by taking some of them prisoners. With this intention William White, Daniel Ashcraft,* Joseph Shepdarson Jr., Nathaniel Shepardson, Noah Shepardson, Samuel Melendy, Hezekiah Broad, Samuel Curtis, Moses Yaw, Daniel Cole, Artemas Goodenough, Ithamar Goodenough, and Jotham Biglow, all of Guilford; Richard Church and Isaac Kendall of Brattleborough; and a number of others, the whole commanded by Nathaniel Carpenter of Guilford, attacked the inn on the 16th, and demanded the immediate delivery of Waters, who had become especially obnoxious on account of the energy he had displayed in behalf of the state. General Farnsworth endeavored to expostulate with them upon the rashness of their conduct, but they were deaf to his remonstrances and renewed their demand in the most peremptory manner. Determined to ac-

* At the commencement of the revolutionary war, Mr. Ashcraft, who was friendly to the American cause but who did not choose to engage in the struggle, abandoned his dwelling on Fisher's Island within the then province of New York, and removed to the town of Guilford, in Cumberland county. In the disputes which afterwards arose among the settlers on the New Hampshire Grants, he supported the claims of the New York adherents, and in the end was compelled to leave the state. On the 25th of October, 1784, he petitioned the Legislature of New York for a grant of land in the western part of that state. The committee to whom his petition was referred reported thereon on the 29th, and the consideration of his request was, on their recommendation, postponed. Finding that he could obtain no aid in this direction, he presented a petition to the General Assembly of Vermont on the 19th of October, 1785, in which he prayed "for a pardon of all offences he had committed" against the state "by adhering to the government of New York." The report of the committee to whom his request was referred stated, that although he had formerly been connected with the opposition, he was "now likely to make a good citizen," and recommended that he should be pardoned by an act of the Legislature, provided he should take the oath of allegiance before the 1st of March, 1786. The report was accepted, and an act was passed agreeable to the recommendation.—MS. Petition to N. Y. Senate. Journal Senate N. Y., 1st Meeting, 8th Session, p. 13. Journals Gen. Ass. Vt., Oct. 1785.

comply with their object, and enraged by the grievances to which they had been subjected, they commenced an assault upon the house, and riddled the doors and windows with musket balls and buckshot. After firing about thirty times, wounding Major Boyden in the leg, and shooting a traveller through the thigh, they entered the building "in their common, desperate manner," as was subsequently stated, and having captured Waters departed with their prey.*

The object of Farnsworth in remonstrating with the Yorkers was to delay their attack until the troops, who were quartered about a mile distant, could be informed of the danger with which the officers were threatened. But his efforts, as has been seen, were without avail. Satisfied with the result of their foray, the Yorkers surrounded the prisoner, and ordered him to accompany them. Under a strong guard they conveyed him on foot to the northern lines of the state of Massachusetts, where they fastened on his hands "a huge weight of ill-shaped iron," and consigned him to the care of two of the party, with orders to conduct him to Poughkeepsie. The news of the seizure reached Halifax on the night of the 17th, through the instrumentality of Lieut. John Noyes of Guilford, and produced an intense excitement. Horses and arms were immediately procured, and a company of fifteen men† led by Joseph Tucker started in pursuit. Knowing well the route which their opponents had taken, they followed closely in their track, and on the 18th reached Northampton, where they found Waters. They immediately rescued him, and at the same time secured his guards.

Meantime Timothy Phelps, who had been entrusted with a number of dispatches and depositions which he was to deliver to Governor Clinton, had commenced his journey, and having reached Hadley, was visiting his brother Charles, who was a resident of that town. Tucker and his party, who, to use their own language, were "then in high spirits," being unwilling to return without accomplishing some other exploit, determined

* In a newspaper account of this affair it is stated that "Waters voluntarily resigned himself up to the party." The court papers, and the other documentary testimony of that period, corroborate the version presented in the text.

† Thomas Scott, Stephen Gates, Timothy Woodward, David Williams. Elijah Phillips, Gorham Noyes, Joel Sumner, Philemon Stacy, Daniel Walworth, Rufus Fisk, Samuel Dennison, John Noyes, Caleb Owen, Thomas Farnsworth, Nathaniel Whitney.—Tucker's Petition.

to escort Timothy Phelps back to Vermont, in the same manner in which Waters had been compelled to leave that state. Concealing the object of their visit, they entered Hadley after nightfall, and on approaching the house where Timothy Phelps was lodged, asked to be admitted. Springing from his bed and seizing his arms, Charles Phelps rushed to the door, but before he could reach it, Tucker and his men had forced an entrance. A severe struggle ensued, in which the owner of the dwelling was overpowered and thrown to the floor. As the rioters were proceeding to bind him, his wife appeared and claimed him as her husband. At the same time Timothy Phelps came forward, and the rioters perceiving their mistake allowed the supposed offender to arise, and seizing his brother secured him and departed, with the intention of confining him in Bennington jail, where he had already spent so many months.

As soon as Tucker and his party had gone, Charles Phelps hastened to Elisha Porter, the sheriff of Hampshire county, and informed him of the occurrences of the evening. Warrants were immediately issued, a number of the local militia who were commanded by Phelps were placed under arms, a *posse* was also collected, and the whole party, thirty strong, mounted, and headed by the sheriff, were soon in hot pursuit. On reaching Hatfield, Waters's party had been joined by twelve more of the state troops of Vermont, and with this reinforcement they were pushing forward with as much speed as the circumstances would allow. Dashing on without once drawing rein, their pursuers followed with spirit and determination. At eight o'clock on the morning of the 19th the rioters were overtaken at Bloody Brook in Deerfield, where they had dismounted to refresh both themselves and their horses. Entering the room where they were engaged at breakfast, the sheriff exclaimed, "Where are these damned Vermonters?" and without giving them time to rally, the men of Hampshire county commenced the attack. The rioters, ignorant of the legal authority under which their opponents were acting, and taking them for Yorkers, resisted with vigor. In the midst of the struggle which was now becoming serious, the sheriff made known his official character, and pronounced the rioters his prisoners. Satisfied that resistance to such authority would be likely to terminate unfortunately, Waters and his party submitted to the sheriff, released Timothy Phelps, and were carried back to Hadley. There they were tried before three justices. Four of them were found guilty of

riotous conduct, and were adjudged to pay in fines and costs £21 8s. Tucker, in his relation of the affair, stated that this verdict was obtained through the instrumentality of Charles Phelps of Hadley, and that the views of the sheriff were so much changed when all the circumstances connected with the affair were made known to him, that he frankly forgave the Vermonters, although he had received more wounds than all the rest of his party, eulogized them in open court as "good fellows," and promised his assistance in the future "both as a gentleman and a magistrate," in preventing their fellow-citizens from being "carried through that vicinity by the Yorkers."*

* On the 25th of February following, Tucker and his associates petitioned the General Assembly of Vermont who were then in session at Bennington, for a reimbursement of the expenses which they had incurred in these proceedings. Defending the course they had pursued, "we did all this," said they, "solely out of loyalty and friendship to this government, and although we did not carry our points in everything, yet we prevented Mr. Waters from being now confined in New York, which doubtless the Yorkers would have gloried much in; and also obtained the favor of the officer in the Massachusetts state, before mentioned, which will, in all probability, be interesting to this state." Their petition was referred to a committee of three, who subsequently met and consulted with a committee from the Council consisting of Ira Allen. The report of the joint committee was accepted on the 5th of March, and an order was passed directing the sale of so much of the estate of Charles Phelps of Marlborough, which had already been confiscated to the use of the state, as should amount to £49 18s. 11d., the sum claimed by the petitioners. At this point the subject, it is believed, was dropped, and was probably never again revived.—MS. Accounts of the Capture of Waters, Tucker, Phelps, etc. Thompson's Vt. Gazetteer, p. 142. South Carolina Gazette, Feb. 2, 1784.

CHAPTER XIX.

THE END OF RESISTANCE.

The gathering of the Vermont militia at Brattleborough—The number of the force—The march to Guilford in the snow storm—Spies—The Yorkers retreat—The fight at Packard's house—Sergeant Silvanus Fisk of the Vermont troops mortally wounded—Ethan Allen arrives with reinforcements—A number of Yorkers taken prisoners, and lodged in the jail at Westminster—The session of the Superior court at Westminster—Twenty-five Yorkers arraigned at the bar—Their trial—Conviction—Sentence—Vermonters take Daniel Shepardson prisoner—Instruction to New York delegates in Congress—Report of joint committee of Senate and Assembly of New York on the late transactions—Additional instructions—William Shattuck—Charles Phelps—Offenders pardoned—Resolutions of the General Assembly and Council of Vermont—The militia force at Guilford reduced—David Goodenough—He and Daniel Spicer are fired on by a scout from Lieut. Knight's company—Spicer is killed—Barbarous conduct of the Vermont militia—Account of Daniel and Jabez Spicer—Lieut. Knight informs the Legislature of Vermont of the proceedings at Guilford—Action of the Legislature—Rumors of war—The condition of Guilford—Governor Hancock's proclamation—County house at Windsor—Attempt to interest Congress in the controversy—Court of Inquiry held at Westminster—The Yorkers petition for pardon—Their request granted by an act of the General Assembly—Charles Phelps pardoned—Letter of citizens of Brattleborough and Guilford to Gov. Clinton—Improved condition of Vermont.

IN the midst of these transactions, Colonel Church and Major Evans wrote to Governor Clinton, begging him to adopt such measures as would tend to their relief, and free them from the oppressions of the Vermonters. In their letter of the 16th of January, they informed him, that they were forced to be under arms day and night; detailed to him the names of those who had been imprisoned; and, filled with the dread of their foes and ready to believe every rumor which might be suggested, reported that an army of four hundred or five hundred Vermonters were already stationed in separate divisions at Brattleborough, Marlborough, and Halifax, ready to "kill, burn, and destroy all before them." These representations, although exag-

gerated, were destined to be verified, in part, during the following week. The seizure of Waters had confirmed the Vermonters in the determination they had taken to subdue the Yorkers by military force, and the time had now come for the execution of this design. The colonels of two of the nearest regiments were immediately informed that the period for action had arrived, and were requested to collect their companies and proceed without delay to the seat of war.

On Saturday the 17th of January, the day succeeding the publication of these orders, troops began to assemble, towards evening, at the rendezvous in Brattleborough, the inn of Josiah Arms. On the following day reinforcements arrived from the neighboring towns, and the usually quiet village rapidly assumed the appearance of a military station. The quiet of Sunday was disturbed by the roll of the drum and the shrill notes of the fife. The place of worship was deserted, for all were interested in the contemplated proceedings. Those who acknowledged the government of Vermont, freely opened their houses to the soldiers, while those who owed allegiance to New York barred their doors, and carefully guarded every entrance to their dwellings. Bullets were moulded; guns prepared; belts furnished; buckles polished; dresses lacking in martial appearance were made more martial; and any arrangement which would tend to expedite the march was perfected.

The number of men who reported themselves on the morning of Monday, the 19th, ready for service, was more than three hundred. The regiment of state troops, the command of which had been given to Col. Benjamin Wait, mustered nearly a hundred guns, and was officered by Lieut.-Col. Elijah Knight, Maj. Josiah Boyden, and Capt. Benjamin Whitney. Of the first brigade of the militia under the command of Gen. Samuel Fletcher, the first regiment was officered by Col. Stephen R. Bradley, Maj. Samuel Minott, Adj. Eliakim Spooner, and Quarter Master Benjamin Burt. From this regiment there were now assembled a company from Townshend of fifty-three men, commanded by Capt. Josiah Fisk; one from Westminster of forty-four men, under the command of Capt. Silas Burk; one from Putney of twenty-seven men, in charge of Lieut. Ebenezer Parker; and one from Rockingham of twenty-two men, commanded by Capt. John Fuller. Of the regiment of Col. John Sergeants, belonging also to Gen. Fletcher's brigade, Capt. Isaac Wheeler commanded a company from Wilmington

of thirty-two men; Lieut. Daniel Gates one from Dummerston of twenty-two men; and Sergt. Sylvester Bishop one from Marlborough of fifteen men.

Snow had begun to fall early on Monday morning, and when, a few hours after sunrise, the troops commenced their march, the storm had become so severe, and the roads so obstructed, that rackets were found of great assistance in increasing locomotion. As the little army, piloted by Samuel Shepardson, advanced in a southwesterly direction, a violent northwester blowing the snow upon the right side of their faces, served to increase the unpleasantness of the undertaking. The ordnance department was composed of one old cannon, almost useless, from Dummerston, and was superintended by Ebenezer Haven and Isaac Miller. The soldiers marched in single file, about three paces distant one from another, and as they wound through the woods, appearing here at a clearing, and anon disappearing in a thicket, the effect upon those who beheld them was far more beneficial in inspiring fear, than would have been the display of a dozen field-pieces. The long procession, but dimly seen through the falling snow, left full scope for the imagination, and many believed that a numerous host was coming to ravage, burn, and destroy. In the lower part of Brattleborough, the advanced guard noticed on the further side of the fence that skirted the road, a man on horseback stationed on a little elevation, who rode off at their approach. Others similarly posted were met further on, and it now became evident that spies had been placed along the whole line of the route by which the troops were advancing. The service which these spies unintentionally performed for the Vermonters, was far from being trivial. Deceived by the appearance of the approaching columns, they rode back to their friends and reported that the enemy was a thousand strong. At the same time the Vermonters were informed by some persons whom they had captured, that the Yorkers to the number of a hundred and sixty, had taken a pledge to fight to the death. At Guilford the soldiers halted for the night, obtaining shelter in houses, barns, and such other places as afforded protection from the storm.

On the morning of Tuesday, the 20th, hostilities commenced. About forty Yorkers had rendezvoused at a house in Guilford occupied by a man named Stowell, and had stationed themselves not only within, but around the building, and behind an adjacent

pile of logs. But at the sight of the armed militia they quailed and fled, with the exception of eight or ten who were captured. After running half a mile, their course being most of the way descending, they again took a position in the house of a Mrs. Holton, a widow, situated on a plain, and again swore to stand their ground and "fight it out." Meantime Captain Burke's men, with two other companies, stopped and took possession of Stowell's house, while Captain Whitney and his followers pushed on to dislodge the Yorkers at Holton's. This was easily effected, for no sooner had Whitney and his troops reached the house than the Yorkers again ran, halting at a point about half a mile further on. It was now between two and three o'clock in the afternoon, and as the valiant soldiery had found that they could enjoy accommodations in the houses which had been vacated by the Yorkers, they determined to suspend all warlike operations of an aggressive character until the morning. Having taken good heed to station guards about their encampments, and to send out spies to watch the motions of the enemy, they made preparations to spend the night as agreeably as their circumstances would permit.

On Wednesday, the 21st, the troops assembled at Stowell's house. Part of them were detached thence to reconnoitre in Marlborough and Halifax, while the main body advanced in pursuit of the Yorkers. The snow had now become so deep that the officers, being on foot, found it difficult to perform their duty with all the alacrity which the circumstances required. Horses were accordingly procured for Colonel Bradley, Adjutant Spooner, Dr. Elkanah Day, and others, and the supervision of affairs was thus rendered easier and more complete. On reaching the top of a hill, distant about a mile and a half from the Massachusetts line, the house of one Packard, a justice of the peace, near which it was supposed the Yorkers were assembled, was easily discerned. The Vermonters pressed forward, and as they approached the building, thirty or forty Yorkers, who were within at dinner, rushed out with their guns, and began to station themselves in an advantageous position. At Packard's house commenced a valley running south, through which lay the road. The elevation on the right had been cleared of brush and underwood, but there were still standing a number of girdled hemlocks, whose size and position afforded a safe cover to which to flee or whence to assail. A scattering growth of sugar maples on the elevation at the left, offered similar advan-

tages. Across the road the bole of a large tree had been thrown, behind which and the trees on either side, the Yorkers awaited the approach of the troops.

As they advanced, 'Squire Packard appeared at the door of his dwelling, and begged Sergt. Silvanus Fisk, who was temporarily in command of the advance company, not to proceed, telling him at the same time that as soon as he should pass a certain blacksmith's shop, situated a short distance before him, he and his company would certainly be fired upon. Fisk, a young man, rash and impetuous, was not disposed to pay much attention to this warning. When passing through Westminster, in reply to some inquiry as to the course which was to be pursued towards the opposition, he had been heard to say in one of the rough expressions of a farmer, that he would show the Yorkers "how the pig ate the butter," thus signifying, by an allusion now obsolete, that he would teach the opponents of Vermont a lesson which they would not soon forget. His daring did not now desert him, and his men, partaking of his spirit, followed where he led.

The given point was soon reached, but the Vermonters had hardly passed it, when a discharge from the right proved the truth of Packard's assertion. No injury followed this assault. The troops pressed forward and were again fired upon from the barricade in front. As the smoke occasioned by this volley cleared away, a man distinguished by the blue coat which he wore came from behind the maples, and with deliberate aim discharged his gun at Sergeant Fisk. The ball took effect, entering at the right side of the stomach and passing into the groin. "Are you badly hurt, Sergeant?" said Private Theophilus Crawford, who was standing near him. "God bless you!" replied Fisk, "don't ask any questions, but push on and kill some of the devils." Encouraged by these words, his men gave chase to the now retreating Yorkers, and, pursuing them with hot haste, drove them more than half a mile beyond the boundaries of Vermont, and within the limits of Massachusetts. Unable to walk, Fisk was placed on a sleigh, and being taken to Mrs. Holton's dwelling was treated with all the attentions which kindness could suggest. But his wound proved incurable, and he died before the close of the following spring. The only other person who suffered on this occasion was Joel Knight of Dummerston, who was slightly injured in the arm by a bullet.

Driven from their homes, the Yorkers applied for assistance to the inhabitants of the towns in Massachusetts to which they had fled. This was readily granted as far as food and shelter would avail, but no one was willing to engage in acts of hostility against the neighboring state, without orders from Congress. Hoping to obtain favorable terms, the Yorkers sent a flag to their "unnatural enemy," as they styled the Vermonters, promising passive obedience until the rising of the Vermont Assembly, provided they should be permitted to return to their homes and remain there unmolested. To their message they received no reply, and the person by whom it was carried was detained as a prisoner.

On the 22d, Ethan Allen arrived with ammunition and reinforcements. Of the companies from Bennington which came with him, one was commanded by Capt. Joseph Safford, another by Capt. Hezekiah Armstrong, and a third by Capt. Joseph Wickwire. Not daring to make an incursion within the jurisdiction of Massachusetts in pursuit of the Yorkers, who had fled thither for safety, and deeming it useless to remain longer in a place where their presence could be of no essential service to the cause they maintained, the officers from both sides of the mountains, after a long consultation, concluded to return. To render the march more easy, a company were dispatched, in the morning, to break a road through the snow which was now nearly four feet in depth on the level. Leaving Stowell's house two hours before sunset, the main body of the troops began their march, having in charge about twenty prisoners, and reached the tavern of Landlord Arms, in Brattleborough, the same night. Here a portion of the troops were dismissed. On the morning of the 23d the remainder proceeded to Westminster, where the Yorkers were lodged in jail to await their trial at the next session of the Superior court.

During the time which intervened between the commitment and the trial, the prisoners were guarded by a strong military watch, and every precaution was taken to prevent their escape. An account of these proceedings was sent by Colonel Church and Major Evans to Governor Clinton, and a request was made that he would write to the Governor of Massachusetts, if such an act was proper, and desire him to send relief to the unfortunate subjects of New York. "We are driven from our habitations," said they. "Our houses are plundered. Our possessions taken from us. We are in a very miserable situation, and

implore your Excellency's interposition, our case being really deplorable."*

On the 3d of February the Superior court commenced its session at Westminster, Moses Robinson, chief judge, presiding. About twenty-five prisoners were arraigned at the bar. Francis Prouty, who had been engaged in the month of November last, at the head of a number of men, in conveying Luke Knowlton without the borders of Vermont, pleaded guilty to the indictment of the grand jurors, and was sentenced to pay a fine of £30, with costs of prosecution, and to be "imprisoned in close confinement for the space of forty days." He was also charged, in a separate indictment, with having entered Knowlton's house on the same occasion burglariously, and with an intent "the goods and chattels of the said Knowlton to steal, take, and carry away." This accusation was not substantiated. To a third charge, that of resisting the deputy sheriff Barzillai Rice, when he endeavored to arrest him on a warrant issued in consequence of his attack upon Knowlton, he pleaded not guilty. The records of the court do not show a decision contrary to the plea. Of those who had been accused of being engaged in an assault upon Benjamin Carpenter in December last, only a few were arrested, and of this number Charles Phelps, Abraham Avery, and Henry Evans pleaded not guilty, and were sentenced to pay the costs of the prosecution. A *nol. pros.* was entered in behalf of Henry Evans Jr. Cyril Carpenter was alone found guilty, and was sentenced to pay a fine of £20; to give bonds for his good behavior; and stand committed until judgment should be complied with.

As the result of the investigations consequent upon the late hostilities at Guilford, the grand jurors presented charges against a number of the Yorkers. The principal count in the indictments was that in which the wounding of Silvanus Fisk "so that his life is greatly despaired of," was set forth. Joseph Wells of Brattleborough pleaded guilty to the charge of being engaged in the proceedings which resulted in this sad event, and was sentenced to pay a fine of £20 and the costs of prosecution; to be imprisoned six months; and if the terms of the whole sentence were not complied with at the end of that time, to stand committed until the satisfaction should be complete. Elijah Curtis, a participator in the same affair, and who entered

* MS. Accounts. Old men's narrations.

a plea of not guilty, was fined £10 and the costs of the suit. On another indictment to which Joseph Wells pleaded guilty, the court sentenced the delinquent to "close confinement" for six months, and fined him £30 and costs. Amos Yaw Jr., charged with some offence, owned that he had disobeyed a Vermont officer. To the remainder of the indictment in his case the State's attorney entered a *not. pros.* The prisoner was amerced in the sum of £5 and the costs of suit. Charles Phelps was tried for the offences which had been charged against him in the fall of 1782, similar in their nature to those which had resulted in the condemnation of Shattuck, Church, Evans, and Timothy Phelps. His plea was guilty. By the judgment of the court he was attainted of treason; was sentenced to sixty days' imprisonment; and all his estate, real and personal, was forfeited to the use of the state. Edward Carpenter, Asaph Carpenter, Shubael Bullock, Joseph Chamberlain, and David Thurber, all of whom were proved to have been engaged in the disturbances at Guilford, were fined in sums varying with the character of the offences committed. Of the rest of the offenders, some were mulcted in small amounts; others were dismissed on paying the costs of prosecution; and in the case of a few the complaints were withdrawn for want of evidence to sustain them.

During the session of the court, Westminster had presented more the appearance of a military encampment than of a peaceful village. With the departure of the dignitaries of the bench, the lawyers of the bar, and the prisoners in the dock, it again assumed its wonted aspect, and the roll of the drum and the shrill notes of the fife gave place to the music of the merry sleigh bells of winter, and left to their jingling notes the monopoly of noise for the rest of the season.

For the purpose of keeping the Yorkers in subjection, a portion of the troops, comprising Lieut. Elijah Knight's company of twenty men, and Capt. Benjamin Whitney's of sixty-five, were stationed at Guilford and in the adjacent towns until the 1st of March following. The effect of this watchfulness was to prevent those who had fled from returning, and had not the hospitalities of the inhabitants of the neighboring state been extended to the refugees, their sufferings—multiplied though they were—would have been far more severe and intolerable. Intent upon an excursion of some kind, and finding but little opposition within the borders of Vermont, a party of soldiers set out on the 20th of February, with the determination of

securing Daniel Shepardson, a sworn magistrate of the state of New York, and until within a few weeks a resident of Guilford. Proceeding to Northfield, Massachusetts, where Shepardson had taken up his temporary abode, they made him a prisoner, although he was at that time within the jurisdiction of another state, and hurried him back to Vermont, where he was placed in confinement. In many instances the property, which the Yorkers in consequence of their sudden flight had left unprotected, was regarded by the militia as legitimate spoil, and not a few of the latter manifested an unbecoming pleasure in despoiling their adversaries of such necessities and conveniences of life as were found in the deserted dwellings.

Meantime the Legislature of New York, fully alive to the unhappy situation of the citizens of that state residing in Vermont, were endeavoring to obtain from Congress a definitive settlement of the dispute between the contending parties. On the 2d of February, James Duane, from the committee appointed to prepare instructions to the delegates from New York in Congress, presented a report to the Senate, in which among other recommendations, it was advised, that the delegates be instructed "to press Congress for a decision in the long-protracted controversy respecting the rights of this state to the district commonly called the New Hampshire Grants, not on consideration of public expediency, but consistency with the assurances of Congress, according to equity. That they represent, in the most pointed terms, the grievous injustice done to the state by such delay, especially after a submission in compliance with the unanimous recommendation of Congress, and claim, most expressly, a performance of the solemn engagement of Congress to make the said decision, on a pledge no less sacred than that of the faith of the United States, which ought not to be violated on any pretence whatsoever. That they likewise represent to Congress the danger which may arise from further procrastination; that the leaders of the district in question have actually raised troops, and do now employ those troops to reduce other inhabitants, resident in said district, and acknowledging themselves citizens of this state, to submit to the said assumed government; that when every state ought to be in the full enjoyment of the blessings of peace, under the protection of the Union, this alone is in the disagreeable situation of having hostilities already commenced against its citizens; but, that if she must recur to force for the preservation of her lawful

authority, the impartial world will pronounce that none of the bloodshed, disorder, or disunion, which may ensue, can be imputable to this Legislature, who appeal to the Journals of Congress for the rectitude, moderation, and liberality of the measures they have invariably pursued to produce an amicable determination of the controversy. And lastly, that they, if necessary, be most explicit on the subject, and inform Congress that this Legislature conceive themselves to be urgently pressed by the great duty of self-preservation, to prepare, without loss of time, for the worst events: and that, however sincerely they are disposed to maintain the Union, and to manifest an inviolable respect for Congress, if the decision, which has so long in vain been solicited, should not be pronounced within two months next after nine states shall be represented in Congress, subsequent to this state being represented there, no further expectations can be entertained of such decision, and that this state, with whatever deep regret, will be compelled to consider herself as left to pursue her own counsels, destitute of the protection of the United States, to whose judgment they have cheerfully submitted, and on whose justice they have hitherto relied.

“The committee further report it as their opinion, that if Congress should delay the decision of the said controversy after the time above limited, it ought to be considered as a denial of justice. That the act entitled ‘An act to empower the Congress of the United States of America, to determine all controversies relative to certain lands in the counties of Cumberland, Gloucester, Charlotte, and Albany, commonly called the New Hampshire Grants,’ passed the 21st day of October, 1779,* ought to be repealed, in order that this Legislature may be left at liberty to propose an adjustment of the said dispute in the mode prescribed by the ninth article of the federal union, or to take such other measures as the preservation of their country from lawless invasion and encroachment may require.”

On the 6th of February, before the instructions had received the sanction of the Legislature, Timothy Phelps† appeared be-

* See *ante*, p. 365.

† After escaping from Oliver Waters on the 19th of January, 1784, as has been previously mentioned, Phelps resumed his journey southward. He tarried at Norwich a few days, where his wife was then visiting, and on reaching the city of New York presented to the Senate, who were then in session at that place, eleven papers containing information respecting the situation of the friends of New York in Vermont, which papers had been entrusted to his care by Samuel

fore the Senate; testified under oath to the maltreatment he had received on account of his allegiance to New York; and produced a number of papers and depositions "relative to the disorders and violences committed on the well-affected citizens of the state, residing in the north-eastern parts thereof, by persons under the authority of the usurped government commonly called Vermont." The information and papers were immediately communicated to the Assembly, and were by them considered on the 7th. By a concurrent resolution of the two Houses, the whole subject was referred to a joint committee composed of Messrs. Ford, Lamb, Nicholson, Coe, and Lott from the Assembly, and Messrs. Duane, Paine, and Floyd from the Senate. On the 13th Mr. Ford, as chairman of the joint committee, rendered his report to the Assembly. In it he adverted briefly to the principal events connected with the controversy, which had occurred since the time when Governor Benning Wentworth made grants "in express violation of a solemn agreement with the former government of this state, that all grants should be suspended until the final decision of the Crown." Turning, then, to the consideration of the present condition of affairs he observed:—

"It appears to the committee, that the people who style themselves Vermonters, to prevent all opposition to their project of independence, have actually raised troops and levied war against those of their neighbors within the said district, who yield allegiance to the state of New York; that hostilities have actually been commenced; that many of the subjects of this state have been imprisoned, loaded with irons, and punished as traitors with the utmost severity; and that others have been driven from their habitations, and have had their property confiscated, for no other reason than their attachment to this state.

"That the papers which were submitted to the committee

Bixby, one of the justices of the peace for Cumberland county by the appointment of New York. At the same time he exhibited a complaint and a deposition descriptive of his own sufferings and condition. While awaiting the result of the deliberations of the Legislature, he "not only expended the little money" he had received from his friends who had sent him on this mission, but was obliged to pawn his clothes in order to procure food and lodgings. In this situation he memorialized the Assembly, begging them to provide him with means sufficient to pay his expenses and "enable him to leave the city with decency and credit." His petition was read on the 17th of February, and referred to Messrs. Adgate, Malcom, and Youngs. It is probable that his sufferings were relieved. *Journal Ass. N. Y., 7th session, p. 40.*

contain sufficient proof of these facts, and an earnest application from the last mentioned inhabitants to this state, for protection.

"That, upon the whole, it is the opinion of the committee, that the most decided measures ought to be pursued, without loss of time, as well for the protection of our said suffering citizens, as for the peace and tranquillity of the said district.

"That therefore Congress ought to be earnestly pressed to determine the controversy aforesaid; and that, to remove all uneasiness about the right of soil, the concessions respecting the said district ought to be so far enlarged, as to confirm to the said claimants, the lands which they hold within the lines of the towns settled by them, although they may be comprehended within the bounds of patents of prior date, under the seal of New York. That this concession should be fully guaranteed to the said claimants by the United States in Congress assembled; and that it is the opinion of the committee, that a bill should be ordered to be brought in, for carrying the measures aforesaid into effect."

The House agreed with the committee in their report, and the same committee were appointed to bring in a bill "for carrying into effect the measures" they themselves had recommended. On the 27th, instructions to the New York delegates in Congress suggested by the report of the committee, and additional to those which had been introduced on the 2d, were presented to the Senate and adopted. On the same day both sets of instructions were sent to the Assembly, and were concurred in by them on the 2d of March.*

While the Legislature of New York were deliberating, resolving, instructing, and the inhabitants of the southern part of Windham county were engaged in attacking, repelling, and defending, the General Assembly of Vermont convened at Bennington on the 19th of February and continued in session until the 9th of March following. The present condition of affairs in the southern part of the state; the means by which obedience to constituted authority could be enforced; questions of policy; and the consideration of the petitions of Yorkers who had become obnoxious to punishment, were topics which occupied the time and shared the deliberations of the representatives of the people on this occasion. From

* Journal Senate, N. Y., 7th session, pp. 16, 17, 20, 21, 42, 43, 44. Journal Assembly, N. Y., 7th session, pp. 30, 36, 37, 59, 60, 61.

his cell in "Bennington jail," where he had been confined during the two months preceding, William Shattuck on the 24th of February, supplicated the Assembly for pardon. His request was referred to a joint committee, but their report was laid on the table on the 26th, "for further consideration," and was allowed to remain there during the rest of the session.* A petition from Charles Phelps, imprisoned in the same place, praying to be released from confinement, was, on the 26th, referred to a joint committee, who recommended in their report of the 27th, "that the said Charles Phelps be immediately discharged from his imprisonment; and, that no part of the estate of said Phelps, which has been seized and confiscated by order of the Supreme court, be sold or disposed of until further orders from the Assembly." The report was accepted, and a bill was introduced, entitled, "An act to discharge Charles Phelps from imprisonment." Having been read and accepted in the Assembly, it was sent to the Council and received their concurrence. On the same day Phelps was permitted to appear before the Council, and in their presence voluntarily took "the oath of allegiance and fidelity to the state of Vermont." Though, by this act, he obtained his liberty, his property, which had been taken from him, was not restored, nor was that which remained allowed to rest unmolested. Debts due the government of Vermont from insolvent or absconding Yorkers, were satisfied from his estate. His books were borrowed by Vermont lawyers to be

* On a subsequent occasion Shattuck petitioned the Council for his release, acquiescing in the justice of the sentence of banishment which had been passed upon him by the Superior court in September, 1782, and praying for pardon. His prayer was granted on the 12th of April, 1784, and a resolution was passed, restoring him to partial citizenship, and declaring his estate free from the ban of confiscation. The conditions on which these favors were bestowed, were that he should pay to the sheriff of Bennington county £25 lawful money, to meet the costs of prosecution; satisfy the "just demands" of Nathan Fay, the jail keeper, for board; and give to the treasurer of the state bonds in £100, lawful money, with sufficient sureties, that he would not "enter or presume to go into the county of Windham, without liberty therefor first had and obtained" from the Council. With these terms he complied, and thus obtained his discharge. A few weeks later he notified to Governor Chittenden the "distressed circumstances" of his family, and his inability to relieve them, except in person. A passport, signed by the Governor and Councillors, was accordingly granted to him on the 8th of June, 1784, by which permission was given him to visit his family unmolested. On the 14th of October, 1785, he prayed the General Assembly to release him from the payment of the £25 bond. The application was dismissed without an answer. Journals Gen. Ass. Vt., and Vt. Council Records, 1784. Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 58.

used and kept. His cattle were divided among the neighboring families. Much of his household furniture served to enrich the best rooms of his sturdy opponents. A full pardon granted to him by the General Assembly at their session in October following, alone saved him from beggary and ruin.

During the meeting of the Council, a memorial was presented by Cyril Carpenter, who at the last session of the Superior court had been sentenced to pay a fine for being "concerned in a dangerous riot." In it he stated that he had since taken the oath of allegiance; that he intended to "consider himself" in the future as a good and peaceable subject; that he was a poor man, entirely unable, at present, to satisfy the judgment of the court; and that he desired a remission of the fine, or a suspension of collection until he should be able to pay. Similar statements were made by others similarly situated, and the whole subject was temporarily settled by the passage of a resolution on the 28th, directing the state's attorney for Windham county to suspend the collection of fines against Cyril Carpenter, Edward Carpenter, Asaph Carpenter, Amos Yaw Jr., Shubael Bullock, Elijah Curtis, Joseph Chamberlain, and David Thurber, until further orders.*

In the General Assembly, pursuant to a motion offered by Colonel Bradley, the Westminster delegate, a committee, appointed on the 1st of March, were authorized to ascertain the amount of the expenses attending the illness of Sergt. Silvanus Fisk, occasioned by the injuries he had received from the Yorkers while supporting the authority of the state. Though the report of the committee was rejected, yet a resolution was adopted on the 2d, directing the payment of £35 on his behalf, and the issuing of orders upon the "hard money tax" for the purpose of meeting any charges which might remain unsettled.† The expediency of continuing a body of troops at Guilford was considered at the same session. The opinion of the gentlemen who were selected to report upon this point was favorable to a reduction

* October 26th, 1784. The Council, in session at Rutland, resolved, "that the fine of Edward Carpenter, Asaph Carpenter, and Cyril Carpenter, imposed on them by the Supreme court of this state, be, and is hereby remitted." Extract from Council Minutes.

† At the next session of the Assembly, the treasurer was directed by a resolution, passed October 18th, 1784, "to issue an order in favor of Silvanus Fisk, late deceased, who was wounded in the service of this state, for the balance due for his last sickness, by the committee of pay-table, upon either of the collectors of the two-penny tax within this state." Journals, etc.

of the force there stationed. Brig.-Gen. Samuel Fletcher was therefore empowered to proceed to Guilford, and discharge from service the state troops raised for the assistance of the sheriff of Windham county, with the exception of one lieutenant, one ensign, two sergeants, two corporals, and twenty-one rank and file. In fulfilment of this commission, Fletcher dismissed the militia on the 1st of March, retaining only Lieut. Elijah Knight, and a company of men under his command of the number and character requisite to meet the Assembly's resolution.*

Following this reduction, the Yorkers, who had fled across the southern line of the state, emboldened by the belief that they would not be resisted as vigorously as they had been during the preceding three months, began to contemplate a return. Not unfrequently, under cover of the night, they would visit the house of some friendly Vermonter, and engage for an hour in conversation respecting the course which the victors intended to pursue towards the vanquished in the future. Unwilling to be regarded as recreant to his duty, Lieutenant Knight redoubled his vigilance, and the opposition were, in consequence, more closely watched than ever before.

Among the citizens of Guilford who most strictly adhered to the jurisdiction of New York, David Goodenough was pre-eminent. He had accepted of a lieutenancy from that state; had been imprisoned for this act; had been released under large bonds; and finally, having been ordered out of town, had left his family and taken up his residence temporarily in Massachusetts. Desirous of visiting his wife and children, whom he had not seen for some time, and finding it necessary to go by night, as his life had been threatened, he invited Daniel Spicer of Bernardston, "a young man of good repute," to accompany him. Spicer accepted the invitation, having, however, previously informed Goodenough that he was neutral on the subject of the existing controversy, and could enter into no quarrel "with the Statesmen," as the Vermonters were then styled.

Leaving Goodenough's quarters at nine o'clock on the evening of the 5th of March, the two men set out for Guilford. After proceeding for some distance on the main road, leading north, they strapped on their snow-shoes, that they might be ready to pursue their journey in the woods, should it become

* Journals Gen. Ass. Vt., Feb., 1784.

necessary, and had advanced about half a mile within the limits of the town of Guilford, when they were hailed by a "Who comes there?" from a man "under arms," who was stationed at the side of the road. Before time for a reply had been given, Lieutenant Knight appeared with a force of twenty or more men, and following the scout who had discovered the two travellers, endeavored to shoot them down. Aided by the fog which partially concealed the light of a full moon, and which, in a narrow road skirted by a thick forest, destroyed the effect of the reflection from the snow, Goodenough and Spicer endeavored to make good their escape. Having leaped the fence that bordered the road, they started for the woods. Knight and his party followed with threatening and defiant shouts, and having approached within four rods of Spicer, discharged their pieces at him. One bullet took effect in his hip, and another passed "directly through the trunk of his body," causing a fatal wound. Pausing in their pursuit, the Vermonters gathered about the disabled man, but, as if destitute of the common instincts of humanity, instead of endeavoring to relieve his sufferings, they taunted him upon his miserable condition, and "ordered him to take his own knife and cut off his snow-shoes," which they claimed as their lawful booty. They then robbed him of his arms, wallet, and money, and having dragged him through the snow, a distance of sixty rods, to a house, left him on the floor weltering in blood, and departed uttering angry oaths at the escape of the Guilford lieutenant, and expressing impious regrets that he was not then in the situation of the dying Spicer.

Spicer lingered through the night in great agony and died on the following morning. During his last hours he, with difficulty, related to William White and James Davidson, of Guilford, the circumstances of the transaction. The facts which he stated with his dying breath were subsequently reduced to writing by them, and sworn to before Judge Richard Morris of New York. A narrative of the event was also prepared by four of the New York refugees, who had removed to Bernardston, and was by them sent to Governor Clinton. At the close of the latter production, the honest sympathies of the narrators found expression in these words:—

"Thus fell the innocent.

"Our young men fall by the sword, and no one layeth it to heart.

"Traveller, can you refrain from shedding a tear?

“We must fall victims to the most savage, barbarous, and murderous usage, unless God, in his all-wise providence, is pleased to incline our fellow-countrymen to give us assistance in this dark and dismal hour.”

Spicer had served as a sergeant in the militia of Massachusetts during the revolutionary war, and had obtained his discharge in the month of June previous to his death. As has been already observed, he was an inhabitant of a town in that state; was kindly disposed towards both the Yorkers and Vermonters; and had never been concerned in the disputes relative to the jurisdiction of the New Hampshire Grants. Such being the facts, the conclusions appended to a distorted account of the affair, written by a citizen of Vermont, which appeared at the time in Thomas's Massachusetts Spy, cannot but be regarded as illiberal and unjust. “Unhappily for the unfortunate man,” observed the newspaper chronicler, referring to Spicer, “he was a subject of the state of Massachusetts, but being out of the line of his duty, by interfering in a contention which this state pretends to hold only with that of New York, though we lament the death of a fellow-creature, yet we consider him as having received that reward which is justly due to every one who espouses a cause on the principles of prejudice and partiality.”*

Fearing that the people in the northern towns of Massachusetts would be instigated both by the wishes of the Yorkers residing among them, and by a determination to avenge the

* MS. Affidavits, dated March 29th, 1784. MS. Letter from Timothy Church, William White, Nathaniel Carpenter, Samuel Bixby, to Governor Clinton, dated Bernardston, March 10th, 1784. Thomas's Mass. Spy, No. 676, April 8, 1784.

The statement of the transaction which appeared in the Spy, and which is referred to in the text, was false in every particular, that alone excepted which announced that Spicer was “mortally wounded” and that he expired. It was prepared at Windsor, Vermont, and was in these words:—“We hear a party of the Yorkers, consisting of about fifty, made a reconnoitering excursion a few weeks since in the night season; but meeting with our people (who hailed them several times and received no answer), were fired upon, by which one man was mortally wounded, who expired soon afterwards. By him, they learn that several had balls fired through their hats, but none received any flesh wound.”

Jabez Spicer of Leyden, Massachusetts, a brother of Daniel Spicer, served during a part of the years 1786 and 1787 in the well-known “Shay's Rebellion,” and was killed on the 25th of January, in the latter year, while engaged with others in an attempt to take the arsenal at Springfield. It is said that he wore on this occasion the same coat in which his brother was clad when wounded by the Vermonters, and that the fatal ball passed through the same hole which had been made by their bullet. Vt. Gazetteer, p. 143. Holland's Hist. West. Mass., i. 265.

death of Spicer, to attack the state troops, Lieutenant Knight increased his force by levies from Dummerston and the neighboring towns. At the same time, he strengthened his outposts, that he might have timely warning of any hostile incursion. From the statement of charges, presented to the treasurer of the state of Vermont, on account of services performed in this emergency, which statement is still preserved, it appears that a certain "Dan Bill," and other friendly Guilfordites, rendered valuable aid as scouts and expresses; that John Noyce was several times employed "in watching y^e motions of y^e insurgents;" and that pilots were engaged, both by day and by night, in guiding the troops along the drifted roads to those localities which seemed most to require protection.

Having rendered his position as secure as circumstances would permit, Knight, on the 7th of March, despatched a messenger to the Legislature, who were still in session at Bennington, with information of the events which had occurred. Immediate action was taken upon the subject, as presented by the messenger and by the letter which he bore, and a series of resolutions were passed, appropriate to the exigencies of the occasion. On the 9th, Governor Chittenden was desired to write to the Governor of the commonwealth of Massachusetts, "on the subject of the tumults in Windham county, requesting him to grant warrants for apprehending such inimical persons" as had fled or might flee from justice into that state from Vermont. General Fletcher was requested "to repair to the county of Windham, and on examining into the circumstances of the disorders there, was empowered to call into service the militia of his own brigade, and of the other brigades in the state, should he deem such measures necessary, and to dismiss them when he should judge best. The commissary general was authorized to collect and receive the provisions due on a provision tax which had been levied during the years 1780 and 1781, in Windham county. The wages of the troops, who might be called into service, were fixed at the same rates at which the troops had been paid who had served at Guilford during the preceding winter.*

Before the return of the messenger from Bennington, a report had been industriously circulated that an army was coming from Massachusetts to avenge the death of Spicer, and reinstate the Yorkers in their possessions. Terrified at this announce-

* Journals Gen. Ass. Vt., Feb. and March, 1784.

ment, and aware of his inability to cope with any considerable force, Knight retreated in great haste to Brattleborough, and summoned the militia to his aid. Here he subsequently met Fletcher, who assured him that no danger was to be apprehended from the quarter whence danger had been expected, and that the Yorkers were not only unprepared, but unable to make any hostile demonstration. At the same time, Fletcher dismissed the militia whom Knight had called out, and thus succeeded in quieting the apprehensions of the people. Before the end of the month of March, the company of state troops, which had been located in the southern part of the county, was dismissed from service, and society was relieved from the terrors of law almost martial.

At a town meeting, held in Guilford, a short time after these events, the Yorkers assembled in full numbers and chose Hugh Stowell, one of their own party, moderator. Though in the majority, they were constrained, through fear, to adjourn until the 8th of June following, without transacting any business. Of the meeting held on this occasion, no account remains, nor are any records to be found of the proceedings of the town for the next seven years. It is traditional that both parties held public and private meetings during that period, producing thus a state of anarchy by no means advantageous to the advancement of the town, or the welfare of its citizens. "The Yorkers, although they had the town books, dared not enter their proceedings in them, and both sides kept secret their own records. During this confusion and jealousy, one party stole the records of the other and buried them, together with their own, many deeds, and a number of proprietors' papers, in the earth within the town pound." There they remained until the exact locality of their concealment was well-nigh forgotten. When, after the lapse of several years, they were discovered and brought to light, they were so much mutilated, as to be entirely illegible.*

Soon after the death of Spicer, Governor Chittenden communicated the intelligence of the circumstance to Governor John Hancock of Massachusetts. The relatives of the deceased memorialized the General Court of that commonwealth on the same subject. In consequence of these and other representations, and in order to prevent the recurrence of a similar event in connection with any other citizen of Massachusetts,

* Vt. Gazetteer, pp. 143, 144.

Governor Hancock published the following proclamation on the 26th of March :

“ Whereas an unhappy dispute has subsisted between some of the citizens of the state of New York and the people inhabiting the territory called the New Hampshire Grants, or state of Vermont ; and it being probable, from the present disposition of the parties, that the same controversy may be recommenced, to the great distress and calamity of all concerned therein ; and there being great reason to fear that some of the citizens of this commonwealth, who live on the borders of the said state of Vermont, may, by incautiously intermeddling with the contention, involve themselves and families in that distress which is at all times the consequence of civil dissensions, unless care is taken to prevent it :

“ I have, therefore, at the request of the General Court, thought fit to issue this proclamation, commanding and enjoining it upon all the citizens of this commonwealth, that in all and every controversy now existing, or that may hereafter exist between the citizens of New York and the people inhabiting the said state, or between any of them, in whatever form or manner the same may exist, they, the citizens of this commonwealth, conduct themselves according to the strictest rules of neutrality ; and that they give no aid or assistance to either party ; but that those who live on the borders of the said state, and within this commonwealth, sell to each party indifferently, such things as they have to sell, without giving preference to either ; that they send no provisions, arms, ammunition, or necessaries to a fortress or garrison, besieged by either party. And all the citizens and inhabitants of this commonwealth are absolutely and most solemnly forbidden to take arms in support of, or engaging in the service, or contributing to the conquest, success, or defence of either of the said parties, as they will answer it at their peril.”

This timely warning tended to allay the malevolent feelings which had already arisen in the breasts of the inhabitants of northern Massachusetts against the people of Vermont, and placed in its proper light the conduct of those, who, situated in other respects similarly to Spicer, had escaped his unhappy fate.*

Among the acts passed by the Legislature of Vermont dur-

* Thomas's Massachusetts Spy, April 8th, 1784, No. 676.

ing the February and March session, was one giving, as had been given on former occasions, power to the Governor and Council, during the recess, to pardon those persons, residing in Windham county, who had "traitorously taken up arms against, and otherwise opposed" the authority of the state. Numerous applications for pardon were presented, in consequence of this provision, and many who had been noted as "violent Yorkers," seeing that all attempts to oppose the established government would be in vain, quietly submitted to the jurisdiction which they had opposed with so much determination, and became citizens of Vermont.

Although the settlement of the river towns had not been perceptibly retarded by the civil dissensions which had disturbed the peace of a portion of the community, yet the prospect of a settlement of difficulties seemed to give new life to society, by infusing into its composition the element of a healthful competition. In Windsor county, the want of an appropriate building for holding the courts had for some time been acknowledged, but the rivalry existing between the inland and the river towns had prevented the selection of a location. A meeting was finally called by the authority of the county, at the town house in Windsor, for the purpose of deciding in what town a court house and jail should be erected. In answer to the call a few were present at the meeting on the 17th of March, but nothing was accomplished, from the want of a quorum. Aware of the difficulties which would arise from a discussion of the eligibility of different localities, and convinced that Windsor, already a county town, afforded the greatest advantages for the erection of a county building, a number of the citizens of that place assembled, and subscribed upward of £100 towards defraying the expenses of erecting an edifice fifty feet in length and thirty-four in width, to be finished in a manner appropriate to the uses for which it was designed. A competent builder was immediately engaged, and the structure was commenced within three days after its erection had been resolved on.*

For the purpose of inciting the Legislature of New York to action, Governor Clinton laid before the Senate, on the 27th of March, a number of letters containing accounts of the disorders prevailing "in Cumberland county," and of the "disagreeable

* Acts Gen. Ass. Vt., March, 1784. Thomas's Massachusetts Spy, April 14th, 1784, No. 677.

situation " to which many of the citizens of New York had been thereby reduced. This information was soon after transmitted to Philadelphia, and Charles De Witt and Ephraim Paine, two of the delegates in Congress from New York, represented to that body, on the 24th of April, and in the plainest terms, their views and those of their constituents respecting the course which had been adopted to drive the Yorkers either into submission or from their homes. But Governor Chittenden and Ethan Allen, though not the most polished rhetoricians, possessed by nature a forcible style of expression, and proved themselves on paper, as well as in the field, a match for their antagonists. While the New York delegates, on the floor of Congress, were deprecating the condition to which many of the inhabitants in Windham county had been reduced, and were calling on the "impartial world" to bear witness to the "rectitude, moderation, and liberality" of the measures they had adopted to effect a settlement of the question of jurisdiction, Chittenden declared that Vermont would act on the defensive, and invoked the twelve states to "observe a strict neutrality, and let the two contending states settle their own controversy." Allen, too, urged his fellow-citizens to combine to support the "liberty and independency" of the state, and in the columns of the Vermont Gazette laid before the public his own views as to the policy which should obtain in the formation and establishment of a nation. During the summer, the congressional committee to whom the representation of Paine and De Witt had been referred, reported favorably to the admission of Vermont into the Union. An effort was made, on the 3d of June, to take into consideration the views embodied in the report, but Congress refused to devote their time to the subject, and the question of the controversy, so far as the representatives of the United States were concerned, without any agreement as to the time when it should be fairly met and definitely settled, was left undecided, to the great detriment of all parties concerned in its final disposition.*

At the session of the Superior court, held in February last, official notice had been taken of the injury done to Sergt. Silvanus Fisk, and a presentment had been made of those who it was supposed had been concerned in the attack in which he suffered. Some of the delinquents had been punished at the

* Vermont Gazette, November 18th, 1784. Journals Am. Cong. June 2d, 1784. Journal Senate, N. Y., 7th session, p. 71.

time, while others had been allowed to remain unapprehended. On the 28th of June, warrants founded on the indictments of the grand jury were issued, and Henry Evans, Samuel Bixby, William White, Joseph Eliot, Samuel Melendy, and Giles Roberts were brought before a court of inquiry, held at Westminster on the 9th of July, at which John Sessions, chief judge of the county court, presided. As the result of this examination, the delinquents were bound over to take their trial on the charges alleged against them, at the next session of the Superior court. Worn out by the indignities to which for a long time they had been subjected, and aware that a continuance in their present course would only sink them deeper in trouble, they presented their grievances to the General Assembly of Vermont on the 25th of October. In the form of a petition, they stated that they had for several years owed and paid allegiance to the United States and the state of New York, and in consequence of their loyalty had suffered by imprisonment, confiscation of estates, etc. Referring to the apathy of Congress, they acknowledged that they had lost all confidence in "public faith." Though expressing their willingness to stand the trial at which they had bound themselves to appear, they asked for pardon, and to be received as citizens of the state.

Another petition of a similar import, signed by twenty of the "late disaffected inhabitants," was presented to the General Assembly on the same day. Both papers were referred to a committee, who, on the 27th, reported favorably to the prayer of the petitioners. A bill was accordingly prepared and passed, granting a free pardon to twenty-six persons, who had previously been open and avowed opponents of the government of Vermont. Of these, seven were citizens of Brattleborough, eighteen of Guilford, and one of Marlborough. By the terms of the act, forgiveness was extended to them for all the crimes they had committed, and all their property, real and personal, which had been taken from them, as forfeited to the state, and which had not been disposed of, was to be returned, provided they should appear before some justice of the peace in the county of Windham, within two months from the time of the publication of the act, and take the oath of allegiance to the state.

In answer to a petition from Charles Phelps for "a full pardon," and a reversion of the sentence of the Supreme court, respecting the confiscation of his property, a joint committee of the Council and Assembly stated in their report, that he had

acted meritoriously in former times, in endeavoring to prevent the state of New York from re-granting the lands on the New Hampshire Grants, and in opposing a union and association of the people of Cumberland county with New York; that he had been "very serviceable to his country, by procuring and selling, without profit to himself, a quantity of arms, ammunition, and salt;" that, on the other hand, he had for a number of years past, been "exceedingly obstinate against and troublesome to" the government; and had had the sentence of imprisonment and confiscation passed upon him as the punishment of the crime of treason. On account of "his former merit, his advanced age, and the bad circumstances of his family," they recommended that his request should be granted. By the act which passed the Assembly on the strength of this advice, the attainder of treason with which he had been disgraced at the last session of the court was removed, and directions were given that all his estate, both real and personal, with the exception of such as had been already disposed of, should be restored to him on the payment of £35 lawful money, as an indemnification to the state for the costs of prosecuting the various actions which had been brought against him. Satisfied with the terms of this act, Phelps accepted the pardon for which he had asked, and became, nominally, a citizen of Vermont. In feeling and principle he remained devoted to the cause of New York until the day of his death. His last will was dated at "New Marlborough, in the county of Cumberland and state of New York." In this instrument, referring to the people of Vermont, he stated that they had deprived him of his possessions, and thereby reduced him to poverty, but expressed a faint hope that relief would be found for his descendants in the legislation of coming years. However mistaken he may have been in the means by which he sought to manifest his loyalty towards New York, yet the sincerity of his professions in behalf of that state, during the time in which he avowed them, cannot be doubted, and in the report of the committee of the Legislature of Vermont, on which was based the act of pardon which was passed in his favor, even his enemies acknowledged the good services he had done in behalf of American freedom, and bore witness to his strenuous endeavors in past periods, to advance the interests and increase the comforts of the early settlers on the New Hampshire Grants.*

* Journals Gen. Ass. Vt., Oct. 26th, 1784. Slade's Vt. State Papers, pp. 494, 495.

The strenuous measures of the government of Vermont, exerted for several years with determination, had at length silenced effectually the open opposition of those who acknowledged the jurisdiction of New York. The inhabitants of the "separate and independent" state, who for eight years had maintained a civil and political existence, began now to look forward with assurance to the period when they should be recognized as an integral part of the confederated states, and permitted to enjoy the benefits arising from the Union which they, to a certain extent, had helped to create and maintain.* Though Congress refused to encourage them in the hope that Vermont would be admitted, as an equal, to a share in the federal government, yet the report had gone abroad that no difficulty would be experienced in effecting the long-desired connection. Alarmed at this rumor, Jotham Biglow, Timothy Church, William White, and Samuel Bixby, in behalf of a number of the "loyal subjects" of New York, residing in Guilford and Brattleborough, wrote to Governor Clinton on the 18th of March, 1785. "We would inform you," said they in this communication, "that it is commonly reported that there are now twelve states convened at Congress in the city of New York, besides the agents from Vermont, who we do hear have reported that all those people that called themselves the subjects of New York, have yielded quiet submission unto Vermont, and that they have taken the oath of fidelity unto it; and also, how that the Vermonters have obeyed Congress in restoring and in making good all our damages; and also, how that they have relinquished the large fines that they have laid on many of us for obeying Congress, or rather, for disobeying Vermont. Now, kind sir, we have great reason to bless the great God of truth, that we and many others, not only here on the Grants, but also our neighbors in the Bay state, can with truth say, and do dare to say, that there is no color of truth in such a report. We say that there is not one man of the York party who has taken the oath of allegiance unto Vermont, excepting only such of them as have been taken and confined in

* "The Vermonters seem much elated at the idea of their being admitted into the confederation of the United States: and indeed they have reason for exultation, since they will participate in the advantages, and have borne but a small part of the expenses attending the late Revolution. Their delegates have arrived at Congress, and presented their credentials, but whether they have taken their seats, we are not informed." Salem (Mass.) Gazette, January 4th, 1785.

gaol, and fed with the bread and water of affliction, and made to suffer both with cold and hunger, being in iron chains and fetters."

Continuing in this strain, they declared the statement that restitution had been made to them for damages, "a right-down falsehood;" that, on the contrary, their opponents were "laying heavy fines and taxes" on them, "yea, very heavy indeed;" that his "only cow" had been taken from many a poor man; and that several citizens had been obliged "to quit their farms and flee into the Bay state for protection, with their families, there to get their bread as they can." They assured the Governor that it was the fixed determination of some of their number who were "somewhat low in the world," to "leave these regions of horror as soon as the spring doth open, and fly away, that they may be at rest from these Vermonters." Every day we are "in jeopardy of our lives and fortunes," said they. "We are taken for every offence, let it be ever so small; and as certainly as that we are taken and tried by the Vermont authority, we are obliged to pay all costs and damages—whether just or unjust, it makes no matter." Having made known their condition by the presentation of facts which no one pretended to deny, they concluded their memorial with a petition, which Governor Clinton would have been rejoiced to grant, had he possessed the power. "It is the hearty prayer and wish of all your good subjects here, that his Excellency would exert himself unto the uttermost of his power to deliver this distressed people out of the hands of these wicked tyrants."*

Though Congress studiously maintained silence on the question of the admission of a new state, the legislators of Vermont deemed it best to be prepared to meet any proposals to that effect which might be offered. On the 18th of October, the General Assembly, then in session at Windsor, elected Moses Robinson, Ira Allen, and Stephen R. Bradley, their agents to Congress. No opportunity was afforded these gentlemen of initiating negotiations for a friendly union between Vermont and the United States; yet there were but few in the state who could have conducted a transaction of this nature with greater dignity and effect than they.

Internal dissensions having been brought to an end, the dangers of invasion from a foreign foe having long since ceased to

* George Clinton Papers, in office Sec. State N. Y., vol. xx. doc. 5563.

be expected, the inhabitants of Vermont began to turn their attention with great assiduity to the improvement of the moral and civil condition of the state. Permission having been granted by the General Assembly, taxes were levied in various towns for the purpose of obtaining the means of building churches and grammar schools. Old county houses were repaired, and new ones erected. Communication between the different towns was rendered more easy by the construction of roads. Rivers were spanned by bridges built with the proceeds of lotteries authorized by law. Ferries were established at available points on the Connecticut. The farmer cultivated his land with greater care and more persevering labor. The artisan toiled at his occupation cheerfully, and with good hope of the future. One cause for disquiet alone remained. The incubus of debt brooded over many like a threatening cloud. Payment, if enforced at this time, could not be made without producing the direst want. When, at a later period, judicial authority was invoked to enforce the execution of the laws against debtors, results followed which showed but too plainly the remoter effects of the revolution, which for seven years had wasted the energy and expended the treasure of a nation.

CHAPTER XX.

THE ADMISSION OF VERMONT INTO THE UNION.

Petitions of citizens of New York who had suffered loss in Vermont—Statement of their losses—Report of committee of the New York Legislature on the petition—Commissioners of the Land Office appropriate lands for the sufferers, situated in Clinton, now Bainbridge—Governor Chittenden's address to the people of Vermont—Insurrection at Windsor—Trial of insurgents—Another disturbance—Military called out—Obedience to law enforced—Laws relieving the distresses of the people—Disposition among prominent citizens of New York, favorable to the acknowledgment of Vermont as an independent state—Bill for this purpose introduced into the Legislature of New York—Hamilton's speech in its behalf—It fails—Bounds of Cumberland and Gloucester counties—Adoption of the constitution of the United States—Correspondence between Nathaniel Chipman and Alexander Hamilton—Commissioners appointed by New York to declare Vermont a separate state—Commissioners appointed by Vermont to meet them—Other commissioners appointed by New York—Deliberations of the commissioners of the two states—Report of the New York commissioners—Is approved of by the Legislature of Vermont, who pass an act for paying \$30,000 to New York, as an indemnity—Convention at Bennington for considering the expediency of asking for Vermont admission into the Union—Negotiations—Vermont becomes one of the United States—Division of the \$30,000 among the New York claimants.

By their opposition to the government of Vermont, the supporters of New York residing in the southern part of Windham county had lost many of their personal effects; had been obliged to neglect, to a certain extent, the cultivation of their farms, and the care of their premises; and had suffered inconveniences, serious and without number. These causes, combined with the fines and imprisonment to which they had been subjected, had reduced them to a condition of poverty from which they could not well recover without assistance. On the 24th of February, 1786, Timothy Church, William Shattuck, and Henry Evans addressed a petition to the Legislature of New York on the subject of the losses which they and their fellow-sufferers had sustained. In this paper they stated

that they and their friends, "by their attachment, zeal, and activity in endeavoring to support the just and lawful authority of New York," had incurred the displeasure of those "who styled themselves freemen of Vermont;" that they had been led to believe by the resolutions of Congress—especially those of the 5th of December, 1782—and by the laws and declarations of the Legislature of New York, that "the lawless and ungrateful usurpers" of the jurisdiction of that state "would be brought to submit to its lawful authority;" that they had been deceived in these reasonable expectations; and that their opponents had "risen in arms to the number of four or five hundred" against them, had killed one and wounded others of their number, had driven some from their habitations or imprisoned them, and had confiscated the estates and sold the effects of many. "Your petitioners cannot but hope," they observed in conclusion, "that having thus sacrificed their all; suffered such exquisite tortures, banishments, imprisonments in loathsome gaols, half-starved and threatened with being put to ignominious deaths, but that your honors will take their case into your most serious consideration, and grant them some relief in their deplorable situation. And your petitioners, as in duty bound, will ever be good citizens of the state of New York."*

This petition was read in the Senate on the 27th, and was committed to Messrs. Williams, L'Hommedieu, and Douw. On the 28th, Church, Shattuck, and Evans prepared a verified list, containing not only the names of those who had suffered on account of their attachment to New York, but also a statement of the amount of damages they had sustained. By this it appeared that of those who had been either imprisoned, banished, or deprived of their effects, four were civil officers, twenty-one military officers, and nearly a hundred private soldiers. It was also shown that their losses amounted to £16,663 13s. 8d. On the 1st of March, Mr. L'Hommedieu, from the committee to whom was referred the petition, presented the following report:—

"It appears to the committee, that the petitioners, with many others holding offices, both civil and military, under the authority of this state, with other inhabitants of the county of Cumberland, have greatly suffered in their persons and estates,

* Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 51. Doc. Hist. N. Y., iv. 1014, 1015.

and are still subject to heavy fines imposed by the authority of the assumed state of Vermont, for no other crime than supporting the lawful authority of this state in the said county, which they from time to time have done, in pursuance of sundry resolutions of Congress, the several laws of this state, and the directions of their superiors in office. That the petitioners, with others whom they represent, being deprived in a great measure of the means of subsistence, and having become odious to the present government of the said assumed state, by reason of their supporting the laws of this state in the said county, are unable to continue longer in the said county without the greatest inconvenience to themselves and families, and are desirous of removing immediately into the western parts of this state, provided they could procure vacant lands fit for cultivation. That in the opinion of your committee, the said petitioners and others whom they represent, have a claim on the state for some compensation for their sufferings and losses, and that it will be proper for the state to grant to the petitioners and the persons they represent, a quantity of vacant land equivalent to a township of eight miles square."

After reading the report, Mr. L'Hommedieu delivered it in "at the table," where it was again read, and agreed to. Thereupon, the Senate resolved "that the Legislature, during their present meeting, will make provision for granting to Col^o. Timothy Church, Major William Shattuck, Major Henry Evans, and about one hundred other persons whom they represent, a quantity of vacant lands equal to a township of eight miles square." A copy of this resolution was immediately sent to the Assembly, and on the same day a resolution of concurrence was returned to the Senate.*

Soon after these proceedings, measures were taken to comply with the determination expressed in this concurrent resolution. The result of these efforts was seen in the twentieth clause of "An act for the speedy sale of the unappropriated lands within the state, and for other purposes therein mentioned," passed on the 5th of May. By this clause, it was enacted that "it shall, and may be lawful to, and for the said commissioners [of the land office], to appropriate a tract of land equal to eight miles square, in any of the townships to be laid

* Journal Senate N. Y., 9th session, pp. 32, 35, 36. Journal Assembly N. Y., 9th session, p. 64. Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 53. Doc. Hist. N. Y., iv. 1015-1017.

out in pursuance of this act, for the use of Colonel Timothy Church, Major William Shattuck, and Major Henry Evans, and such other persons of the counties of Cumberland and Gloucester, as shall be deemed by the said commissioners to be sufferers in opposing the government of the pretended state of Vermont, and to grant the land in such township, in such proportion to each of such sufferers, as to the said commissioners shall seem meet and proper, and to direct letters patent to be prepared accordingly, and, having approved of the same, the Governor, or person administering the government of this state for the time being, shall cause the great seal of this state to be affixed thereto."*

On the 6th of May, the day following the adoption of this act, a meeting of the commissioners of the land office was held in the city of New York, at the office of the secretary of state. Recognizing the full force of the act, the title of which has been already cited, and of a resolution they had previously passed, in which they described generally the land which they intended to bestow upon those who had suffered in the service of the state—the commissioners resolved "that the following tract of land equal to eight miles square, in a township to be laid out agreeable to the said act and the preceding resolution, be and is hereby appropriated for the use of Colonel Timothy Church, Major William Shattuck, and Major Henry Evans, and such other persons of the counties of Cumberland and Gloucester as shall be deemed by this board to be sufferers in opposing the government of the pretended state of Vermont, to wit:—Beginning at a point on the west bank of the Unadilla or Tianaderha river, one mile northerly from where the same empties itself into the Susquehanna, and thence running down the said river to the mouth thereof, thence southerly along the line run by Simon Metcalfe for the line of cession, commonly called the line of property, established at the treaty with the Indians at Fort Stanwix in the year 1768, eight miles, and extending from thence and from the place of beginning west so far as to include 40,960 acres, the north and south bounds to be east and west lines, and the west bounds to be a north and south line, and that a certified copy of this resolution be a sufficient warrant to the surveyor general to survey the same."

The prosecution of the claims of the New York adherents

* Laws of New York, 9th session, p. 133.

was entrusted to the care of Timothy Church and William Shattuck. On the 11th of July, at a meeting of the commissioners of the land office, held in the city of New York, they produced to the board "a list of the names of one hundred and seven persons, inhabitants of Cumberland county, with their affidavit, proving that the said persons were sufferers in opposing the government of the pretended state of Vermont, and that the quantity set down on the said list opposite to the names of the respective persons, are the proportions which they would, on an estimate of their respective losses of property and time, and sufferings by imprisonment, respectively be entitled to, of the tract of eight miles square, appropriated, agreeable to law, by this board for their use, on a presumption that there were no other sufferers." On a closer investigation, the board concluded that there might be other persons equally entitled to "the bounty of the state," whose names were not inserted in the list presented by Church and Shattuck. This opinion was sustained by the fact that the list did not "in any instance extend to the inhabitants of Gloucester county." A resolution was therefore passed, "that there be reserved of the tract appropriated as aforesaid, the quantity of 6,400 acres, equal to ten lots, to satisfy the claims of such of the said sufferers as may not be included in the list now produced."

The board then proceeded to the consideration of the claims of the several persons named in the list, and having acknowledged them "to be sufferers in opposing the government of the pretended state of Vermont," distributed among them, in a ratio proportionate to their losses, fifty-four lots of 640 acres each, reserving ten lots of 640 acres each to meet any just demands for compensation that might be made in the future. Of the land thus granted, Timothy Church received 3,840 acres; William Shattuck, 3,200 acres; Henry Evans, 1,920 acres; Francis Prouty, 1,180 acres; Hezekiah Stowell, 840 acres; William White, Joseph Peck, Daniel Ashcraft, and David Thurber, each 640 acres; Charles Phelps, 508 acres; James Davidson, 500 acres; and the rest smaller quantities.*

* Daniel Shepardson received 280 acres. On the 4th of July, 1786, a few days before the allotment was made, he wrote to Governor Clinton from Guilford, informing his Excellency that he was dissatisfied with the statements that Mr. Shattuck had presented concerning his (Shepardson's) losses by the Vermonters. At the same time, he communicated an epitome of his losses in these words:—"By the Best Estimate that I Can make on the Whole for Time and Money Spent and for My Catal that have Bin taken from me By the Varmontears and for Being

But in no case did any one person receive less than 90 acres. Of the reserved lands, lots of 640 acres each were; on the 12th and 14th of September, divided among certain of the sufferers who had neglected to apply for compensation at the appointed time.*

The land granted to "the sufferers in opposing" the government of Vermont was, at the time of the grant, located in Montgomery county. It formed "a part of a larger tract" which the province of New York had purchased of the Oneida and Tuscarora Indians, in the year 1768, and was known in the records of the land office and on the pages of the field books as a part of No. 2, or Clinton township. In the year 1791, the land which had been appropriated to the "sufferers," and a sufficient quantity additional to make an area of 48,000 acres, was erected into a township by the name of Jericho. On the 1st of June, 1814, the name of the township was changed to Bainbridge, in honor of Commodore William Bainbridge, whose victory, as commander of the Constitution, over the British frigate Java, was at that time the theme of remark and admiration throughout the United States. Bainbridge is situated in the south-eastern corner of the county of Chenango. The Susquehanna river runs through the township from the north-east to the south-west, and divides it diagonally. "The inhabitants came principally from the Eastern States," observes Mr. Spafford in his Gazetteer of the State of New York, "and it is almost superfluous to add that common schools for the education of youth are well supported."†

maid prisoner allso for my Beeing Drove from my Famaly and farm a Bout five Montha, their Distressing my famaly and taking provishon from my house when I was in Exile allso their taking my Son prisonr who was a Solger under C^p Peck and for two fire arms and for Many more Damages too Neumorous to Menshun the which I Sustaned By Vermont [my losses are equal] To the Amount of Four Hundred Dolars And for the Better understanding I wood Refer His Excelency Unto M^{ar} Evena Who is Best aquanted with my Affairs." It is probable that this information arrived too late to affect the decision of the commissioners. Papers relating to Vt. Controversy, in office Sec. State N. Y., p. 55.

* Land Office Minutes, in office Sec. State N. Y., 1784-1788, i. 169, 170, 194-198, 220, 221, 224, 225. Doct. Hist. N. Y., iv. 1017-1020.

The names of the "sufferers" who were recompensed in lands, the quantity they received, the time when the grants were made, and other particulars relating to this subject, will be found in Appendix K.

† The town of Bainbridge, by the name of Clinton, was situated in the county of Montgomery until February 16th, 1791, when Tioga county was taken from Montgomery. At that time Bainbridge, by the name of Jericho, was organized as a part of Tioga. On the 15th of March, 1798, portions of Herkimer and Tioga

While the Legislature of New York were endeavoring to compensate those of their citizens, who in maintaining the jurisdiction of that state on the "Grants," had lost much of their real and personal estate, the government of Vermont was engaged in devising measures to satisfy the wants of its own citizens. During the summer, "the sufferings of the people becoming severe, and their complaints loud, on account of the extreme scarcity of money, Governor Chittenden, in the month of August, published an address to the inhabitants of the state, which was evidently dictated by a paternal regard for their welfare and happiness." In this carefully considered paper, he earnestly exhorted his fellow-citizens to be industrious and economical; to avoid, as much as possible, the purchase of foreign productions; and to devote their attention to the raising of flax and wool, and the various articles necessary for food and clothing. He counselled them to exercise prudence and diligence in business; mutual forbearance and kindness in their relations with one another; and a true regard for the safety of the state. By this course of conduct, and by the assistance which the Legislature would afford at their next session, he expressed a hope that their sufferings would be brought to a speedy termination, and they become "a prosperous and happy people."*

In accordance with the promise of Governor Chittenden,

counties were formed into a county by the name of Chenango. Since that time, Bainbridge—by the name of Jericho until 1814, and subsequently by the name of Bainbridge—has formed a part of Chenango county. The village of Bainbridge, now a "large and thriving" place, was incorporated by an act of the Legislature of New York, passed April 21st, 1829. The other settlements in the town are known as East Bainbridge, North Bainbridge, South Bainbridge, and Bettsburgh.

In the laws of New York, appended to the act for "altering the name of the town of Jericho in the county of Chenango" to Bainbridge, which was passed on the 15th of April, 1814, appears the following note, by the patriotic editor of the volume, inserted in brackets:—"The name of *Bainbridge* will be held dear by every American who loves his country and admires the heroes who defend it. The inhabitants of Jericho have evinced much patriotism in the alteration of the name of this town. We have now counties and towns bearing the names of Washington, Clinton, Gates, Jay, Preble, Decatur, Perry, and Bainbridge, besides others in honor of our revolutionary and naval heroes."—Maps in Book of "Deeds," in office Sec. State N. Y., xx. 568—570. Map No. 57, in office Sec. State N. Y. Laws of New York, 1791, 14th session, chap. x. Greenleaf's ed., ii. 341; 1798, 21st session, chap. xxxi.; 1799, 22d session, 2d meeting, chap. xxxiii.; 1814, 37th session, chap. clxxx. p. 213; 1829, 52d session, chap. cxcviii. pp. 302—308. Spafford's N. Y. Gazetteer, Art. JERICHO. Biog. Am. Military and Naval Heroes, ii. 143—176. Barber's N. Y. Hist. Coll., ed. 1841, pp. 99, 100.

* Thompson's Vt., Part II. p. 79.

measures were taken by the Legislature during their session in October, to relieve the embarrassments of the people. Those who were inclined to suffer inconvenience rather than disturb the peace of the state, ceased to complain, and endeavored to quiet the murmurings of their neighbors. Others who owed money and who did not intend to pay their debts, determined "to prevent the sitting of the courts in which judgments and executions might be obtained against them." By the terms of the statute, a session of the court of common pleas for the county of Windsor was appointed to be held at Windsor on Tuesday the 31st of October. On the morning of that day, a mob of about thirty armed men,* from the towns of Barnard and Hartland, under the command of Robert Morrison, a Hartland blacksmith, and Benjamin Stebbins, a Barnard farmer, assembled near the court house at Windsor, a little after sunrise. Though no movements to that effect were made, yet their obvious design was to hinder the sitting of the court. Prompt in the discharge of duty, Stephen Jacob the state's attorney, and Benjamin Wait the high sheriff, waited on the malcontents; read to them the riot act and several other acts relative to unlawful assemblages; made proclamation to them to disperse; addressed them on the "impropriety of their proceedings;" and kindly advised them to return peaceably to their homes. After a little hesitation, they concluded to obey the laws, and dispersed.† The court convened in the afternoon, adjourned to the next morning, and then proceeded to business without any further molestation.

On Tuesday, the 14th of November, a term of the Supreme court was held at Windsor, Paul Spooner, chief judge, presiding, assisted by Nathaniel Niles, Nathaniel Chipman, and Luke Knowlton, side judges. Warrants were immediately issued for the arrest of the rioters, and Morrison and several of his men were taken and placed in confinement. Complaints were then exhibited against them by Stephen Jacob. In these it was charged that they, on the 31st of October, "with guns, bayonets, swords,

* In the complaint exhibited by the state's attorney, in the action of the free-men against the rioters, the persons charged with being engaged in this disturbance, were Amos Bicknal, John Whitcomb, and Solomon Aikin of Barnard; Moses Lull, Daniel Munsell, Daniel Munsell, Jr., Thomas Lazel Munsell, and Hira Flowers of Hartland; and "divers others to the said attorney unknown." MS. Court Papers.

† In one account the following statement appears:—"The insurgents being disappointed in their views, dispersed."

clubs, drums, fifes, and other warlike instruments, unlawfully, routously, and tumultuously did assemble and gather themselves together, to disturb and break the peace of the state ;” and that being thus assembled, they did “parade themselves in the front of the court-house in said Windsor in martial array, and with fixed bayonets did resist, obstruct, and hinder” the sheriff of the county, and the county court “from entering the said court house, and them did impede from opening and holding the said court, then and there by law to be opened and holden.” To these charges Morrison pleaded guilty and threw himself upon the mercy of the court. The court sentenced him to suffer one month’s imprisonment; to procure bonds of £100 for his good behavior for two years; to pay a fine of £10, and to bear the costs of the suit. The punishment of the other offenders, who either pleaded or were found guilty, was proportioned to the offences they had committed.

Soon after the result of the trial had been announced, about fifty of the insurgents, most of whom resided in Hartland, assembled under arms at the house of Captain Lull, in that town, five miles north of the Windsor court house, with a fixed determination to rescue Morrison from imprisonment. The court having been informed of these proceedings on the 16th of November, directed the sheriff to procure assistance, proceed to the place where the insurgents were collected, arrest them, and commit them to prison. In obedience to these commands sheriff Wait, who was also Colonel of the third regiment of the Vermont militia, ordered Captain Dart of Weathersfield to march his company to Windsor. On the evening of the same day, the soldiery of the latter place assembled to aid the civil authority. The court and some of the higher military officers then called a council, and having taken into consideration the situation and character of the mob, determined that it would be true policy to take them by surprise. In conformity with this conclusion, Colonel Wait, with a force of forty men well armed, set out for the encampment of the insurgents very early on the morning of the 17th, and after a march of more than five miles, reached it between the hours of three and four.

Having escaped the notice of the guards by taking a circuitous route, Wait and his men entered Captain Lull’s house in two divisions, and after a short, but “very resolute” attack, captured twenty-seven of the insurgents. During the conflict the leaders of the revolt escaped. So expeditiously was this

service performed, that Wait's party returned to Windsor and lodged the culprits safely in the jail at that place, before sunrise. Though the victory over the insurgents was gained with comparative ease, yet several wounds were received by the sheriff's party. Stephen Jacob, the state's attorney, did not escape without injury, and Wait himself was "badly wounded in the head."* Still he was able to attend court, and, observed a chronicler of that time, would "have headed his regiment if necessity had required it." The results of this attack would have been far more disastrous, but for the humanity and firmness evinced by the military. The conduct of Captain Dart was highly applauded, and it was publicly announced at the time that he and his company were entitled to "the particular thanks of the freemen" of the state.

On the 18th the state's attorney exhibited a complaint against the insurgents,† in which they were charged with having assembled for the purpose of hindering the Supreme court from proceeding with the trial of certain persons who had been "informed against for a high misdemeanor," and for the purpose of rescuing Robert Morrison, "then a prisoner in the gaol at said Windsor pursuant to a legal order from said court." In answer to these accusations the prisoners pleaded guilty, and appeared "very humble and penitent." In consequence of these manifestations, they were "treated with great tenderness by the court." Fines were imposed upon them, and they were also required to discharge the cost of the suits, and to procure bonds for their good behavior for one year. Fears had been entertained that an insurrection of the people was about to happen, which would endanger the government of the state, and jeopardize the lives and liberty of those who refused to join it. Preparations for such an event were accordingly made, and on Saturday, while the trial of the insurgents was in progress, six hundred soldiers‡ under the command of Brig.-Gen. Peter

* In the pay roll of the field and staff officers, Colonel Wait claimed remuneration for loss, occasioned by "twenty-six days' sickness of wound."

† In one of these complaints, the persons informed against, were Amos Kendall, Benjamin Hale, Silas Hale, David Hale, and Abijah Capen of Windsor; Benjamin Munsell, Timothy Wooster, Eleazer Bishop Jr., Paul Rogers, Oliver Rogers, Samuel Danforth, Silvanus Wood, John Jenne, Elzi Evans, Asa Evans, Zera Evans, Elisha Gallup Jr., James Kelsey, and William Hopkins of Hartland; and Josiah Clark, and Josiah Hurlburt of Woodstock. MS. Court Papers.

‡ Among the militia present on this occasion, were Capt. Matthew Patrick's company of forty-three men; Capt. Andrew Tracy's of twenty-one men; Capt.

Olcott assembled under arms at Windsor. Meantime the insurgents, having received reinforcements, had collected at Lull's house to the number of a hundred. While in doubt as to the course they should pursue, information was brought to them of the preparations for defence or attack which were in progress at Windsor. Satisfied that government was too strong to be overcome by their puny efforts, the malcontents dispersed, studious only to avoid detection and disgrace. Early in the following week the soldiers returned to their homes, and peace was again restored to the distracted county. On the 21st of November, a similar outbreak occurred in Rutland, at the commencement of the session of the court. For a time, it seemed as though the efforts of the "Regulators," as the rioters styled themselves, would be successful. But the firmness and dignity of the court; the readiness of the militia to act in defence of government; and the speedy measures which were taken to quell the insurrection, all united to avert a result so fearful. The insurgents were in the end defeated, and the course of justice was not again impeded by the reckless conduct of those whom misfortune had reduced to misery and want. The passage of laws to relieve the people from vexatious litigation, and more especially of an act "making neat cattle, beef, pork, sheep, wheat, rye, and Indian corn a lawful tender, if turned out by the debtor on any execution, which must be received by the creditor at the value of their appraisal by men under oath,"* tended to make the burden of debt under which many were laboring more

Henry Tolles's of sixteen men; Capt. Asahel Smith's of thirteen men; Capt. Nathaniel Weston's of ten men; and the combined companies of Capt. John Hopeon and Nathaniel Severs of twenty-two men. The field and staff officers of the third regiment who, as it was expressed in the pay roll, "turned out for the support of government," were Col. Benjamin Wait, Lieut.-Col. Elijah Robinson, Major Jesse Safford, Adj. Briant Brown, and Qr.-Mr. Jesse Williams. During this disturbance, the troops were well fed, as appears by the bills subsequently presented to the state treasurer for payment. Col. Benjamin Wait's demand "for supplying the troops with rum and *other necessary provisions*" was allowed, as was that of Elijah West "for his victualling and liquors delivered to Capt. Dart's company," and as were also several other demands of a similar nature.

* This act was passed at the session of the Legislature of Vermont, held at Bennington during February and March, 1787. On the 2d of the latter month, the following resolution was passed by the General Assembly, and ordered to be published:—"Resolved, that this house entertain a high sense of the services done to this state by the officers and soldiers, whose spirited exertions crushed the late daring insurrection against government, in the counties of Rutland and Windsor, and do hereby return the said officers and soldiers their hearty thanks."—Thompson's Vt., Part II. p. 81.

endurable, and served "to check the legal enforcement of collections." The people became satisfied of the protective character of government, and gave it a support, cordial, firm, manly, and patriotic. Attention to business was rewarded by increased profits. Competence crowned the labors of many. Contentment smiled in the humble cottage and pervaded the hospitable farm-house. Health glowed in the faces of the rosy girls and ruddy matrons of the Green Mountains, and happiness waved its wand of blessing over the valleys of the peaceful Connecticut.*

The allotment of lands by the Legislature of New York to Timothy Church and his associates, led others who had been similarly situated, but who at a comparative early stage in the controversy had submitted to the government of Vermont, to apply for assistance. On the 12th of December, Eleazer Patterson, Samuel Knight, Benjamin Butterfield, John Sergeant, Josiah Arms, and twenty-two other persons addressed a petition to Governor Clinton and to the Senate and Assembly of New York, in which they declared that they had been "uniformly loyal to the state of New York;" had supported the rights and interests thereof; had "not only frequently risked their lives, but expended large sums of money and lost an abundance of time in defence of the said state; had been often imprisoned; and had suffered the loss of property to a considerable amount." They further stated that they had "continued to exert themselves in support of the state of New York, until they were left totally abandoned to the fury of their enemies," and then had submitted "to the usurpation of the government of Vermont," only to avoid being "deprived of their whole property." For these services and sufferings they asked as a compensation, "a grant of vacant and unappropriated land." No evidence was adduced in support of these statements. In consequence of this omission, the committee of the Legislature to whom the subject was referred, reported adversely to the petition.†

* Worcester Magazine, 1786, ii. 460, 465. MS. Complaints of the state's attorney. MS. Pay rolls. MSS. in office Sec. State Vt. Thompson's Vt., Part II. pp. 79-81.

† At a meeting of the commissioners of the land office, held on the 25th of May, 1787, "the petition of Eleazer Patterson of Hinsdale, suggesting himself to be a sufferer in opposing the government of the pretended state of Vermont, and praying for a grant of lands accordingly," was read. Similar petitions from John Kathan, Obadiah Wells, and the widow of Henry Sherburne were, at the same time, presented. The consideration of all these applications was postponed. Land Office Minutes, in office Sec. State N. Y., 1784-1788, i. 256. Doc. Hist. N. Y., iv. 1020-1022.

At this period, a disposition favorable to the admission of the state of Vermont into the Union, began to be manifested by some of the most influential citizens of New York. Of this number were such men as Alexander Hamilton, Philip Schuyler, Richard Harrison and Egbert Benson. The pretensions of Vermont to a separate jurisdiction, first announced soon after the commencement of the late revolution, had been maintained throughout the whole of that struggle, and had never been disavowed although conciliatory laws had been passed, overtures made, and negotiations carried on in Congress to effect this result. The peace of 1783 had found Vermont in a condition of actual independence, organized under a regular form of government, and with a population rated at one-half of that of New York. The latter state had formerly threatened to reduce the people of Vermont to its obedience. The idea of subjection had now become so involved in difficulty, that all except the most rash and thoughtless had abandoned it as foolish and chimerical. While affairs were in this position, an attempt was made to further the project of admitting Vermont to a share in the federal government. An act "to empower and direct the delegates of this state in Congress, to accede to, ratify, and confirm the sovereignty and independence of the people of the territory commonly called and known by the name of the state of Vermont," was introduced into the Legislature of New York, during the session of 1787.

On the 24th of March, a petition from John Foxcroft and "many other persons," proprietors of lands in Vermont, relative to this bill, was read in the Assembly. The petitioners asked to "be indulged with a copy of the said bill," and to "be heard by themselves or their counsel thereupon." These requests were granted. On the 28th, the counsel for the petitioners appeared before a committee of the Assembly, "entered into a large field of argument" against the bill, and endeavored to show that it was "contrary to the constitution, to the maxims of sound policy, and to the rights of property." His observations were not destitute of weight, and to many of them additional force was given by the fact that they were to a certain degree founded in truth. He was followed by Alexander Hamilton, who in an elaborate address strove to prove, not only that the constitution permitted this measure, but that policy demanded it and justice acquiesced in its adoption. At every point he met his opponent's objections with forcible rea-

soning, and succeeded, in almost every instance, in overturning his positions. His opinion as to the policy of merging Vermont in New York, was expressed in these words:—"For my part, I should regard the reunion of Vermont to this state, as one of the greatest evils that could befall it; as a source of continual embarrassment and disquietude." The bill, after undergoing many alterations, passed the Assembly on the 12th of April, and was immediately sent to the Senate. Here it was read on the same day, and on its second reading on the 13th, was committed to a committee of the whole. By them it was never returned to the Senate. The admission of Vermont as a fourteenth state was postponed to a later time.*

Though the Legislature of New York had ceased to exercise authority over Vermont, yet, by the constitution of New York, the counties of Charlotte, Cumberland, and Gloucester were still claimed as constituent parts of that state. By the same instrument, power was given to "the future Legislatures" of the state, "to divide the same into such further and other counties and districts," as should be deemed necessary. In conformity with this authority, a law was passed on the 7th of March, 1788, for dividing the state of New York into counties. By this it was enacted, that the county of Cumberland should contain "all that part of this state beginning on Connecticut river at the north bounds of the state of Massachusetts, and extending westward along the same until such line shall meet with, and be intersected by, a line proceeding on a course, south ten degrees west from the north-west corner of a tract of land granted under the Great Seal of the late colony of New York, on the 14th day of September, 1770, to James Abeel and nine other persons; and extending from the said point of intersection, north ten degrees east, until such line shall meet with, and be intersected by, another line, to be drawn on a course north, sixty degrees west from the south-west corner of a tract of land granted under the Great Seal of the late colony of New York, on the 13th day of November, in the year of our Lord 1769, and erected into a township by the name of Royalton; and running from the last mentioned point of intersection, south sixty-six degrees, east to Connecticut river; and so down along the same river to the place of beginning."

* Hamilton's Works, ii. 374-390. Journal Ass. N. Y., 10th session, pp. 116, 117, 123, 155. Journal Senate N. Y., 10th session, pp. 84, 85.

By the same enactment, Gloucester county was to contain "all that part of this state bounded southerly by the north bounds of the county of Cumberland; easterly by the east bounds of this state; northerly by the north bounds of this state; and westerly by a line to be drawn from the north-west corner of the said county of Cumberland, on a course north ten degrees east, until such line shall meet with, and be intersected by, another line proceeding on an east course from the south bank of the mouth of Otter creek; and from the said last mentioned point of intersection running north fifty degrees east to the north bounds of this state." On the west side of the Green Mountains the land which had formerly comprised the county of Charlotte, was, by this new division, included within the counties of Washington and Clinton.*

By a resolution of Congress passed on the 28th of September, 1787, the plan of the present constitution of the United States was transmitted to the several state Legislatures, "in order to be submitted to a convention of delegates chosen in each state by the people thereof." During the summer of 1788, it became evident that the constitution would be adopted by eleven of the thirteen states, and the national government established. The attention of the most intelligent men in Vermont was now forcibly directed to her peculiar situation. Prominent among these was Nathaniel Chipman. His opinion concerning the controversy in which Vermont had been so long engaged, was, that if the question should ever be brought before an impartial tribunal for decision, the New York title would be adjudged to be better than that of Vermont.† Holding this view of the case, he felt "extremely anxious" that the jurisdictional dispute should be speedily adjusted. For the purpose of consultation, a number of gentlemen, among whom were Lewis R. Morris and Gideon Olin, met at his house in Tinmouth, in the early part of July. The result of this conference was an agreement that he should write to Hamilton on the subject of a settlement of the controversy.

Agreeable to this determination, Chipman addressed a letter to Hamilton on the 15th of July, in which he briefly alluded to the situation of the larger portion of the landed property of Vermont;

* Laws of N. Y., 11th session, pp. 133-136.

† "It is now generally believed, that, should we be received into the Union, the New York grants would, by the federal courts, be preferred to those of Vermont." N. Chipman to A. Hamilton, in *Life of Chipman*, p. 74.

suggested certain methods by which Vermont might be brought to accede to the "new federal plan" of government; and desired to know whether, in case Vermont should be received into the Union, the "federal legislature, when formed," might not be induced, on some terms, "to make a compensation to the New York grantees out of their western lands, and whether those grantees might not be induced to accept such compensation." Daniel Chipman, the brother of Nathaniel, and the bearer of this communication, delivered it to Hamilton at Poughkeepsie, where that gentleman was then in attendance upon the New York convention for the adoption of the United States' constitution. On the 22d, Hamilton replied, acknowledging Chipman's letter "as the basis of a correspondence" that might be productive of public good. "The accession of Vermont to the confederacy," wrote he, "is doubtless an object of great importance to the whole, and it appears to me that this is the favorable moment for effecting it upon the best terms for all concerned. Besides more general reasons, there are circumstances of the moment which will forward a proper arrangement. One of the first subjects of deliberation with the new Congress will be the independence of Kentucky, for which the southern states will be anxious. The northern will be glad to find a counterpoise in Vermont. These mutual interests and inclinations will facilitate a proper result." He further informed Mr. Chipman that there would be no distribution of western land to particular parts of the community; assured him that the public debt of the United States would be provided for by indirect taxation, and by other politic measures; recommended that the state of Vermont should ratify the constitution, upon condition that Congress should provide for the extinguishment of all existing claims to land under grants of the state of New York, which might interfere with claims under the state of Vermont; and declared that it would be wise "to lay as little impediment as possible" in the way of the reception of Vermont into the Union.

In answer to another letter from Mr. Chipman of the 6th of September, Mr. Hamilton referred in general terms to the subject of their correspondence, and reiterated in a more extended form the observations he had previously made. To a suggestion of Mr. Chipman, that Vermont would desire to extend her territorial limits before becoming a part of the Union, Mr. Hamilton replied:—"I am sorry to find that the affair of the boundary is likely to create some embarrassment. Men's minds

everywhere out of your state, are made up upon, and reconciled to that which has been delineated by Congress. Any departure from it must beget new discussions, in which all the passions will have their usual scope, and may occasion greater impediments than the real importance of the thing would justify. If, however, the further claim you state cannot be gotten over with you, I would still wish to see the experiment made, though with this clog; because I have it very much at heart that you should become a member of the confederacy." Referring then to the question of the right of the Legislature of Vermont to decide upon the accession of that state to the Union, he observed:—"There is one thing which I think it proper to mention to you, about which I have some doubts, that is, whether a *legislative* accession would be deemed valid. It is the policy of the system to lay its foundation on the *immediate* consent of the people. You will best judge how far it is safe or practicable to have recourse to a convention. Whatever you do, no time ought to be lost. The present moment is undoubtedly critically favorable. Let it, by all means, be improved." During the following winter, Mr. Hamilton and Mr. Chipman had an interview at Albany, "when," observes the biographer of the latter gentleman, "they took a view of the subject somewhat different from their opinions which appear in the foregoing correspondence, and agreed on a mode of settling the controversy, which was afterwards adopted by the two states."*

The dispute between New York and Philadelphia as to which should be the permanent seat of the federal government, was finally decided in favor of the latter city. This result showed plainly that the western and southern influence was greater in Congress, than the northern. No state felt the force of this fact more severely than New York. Kentucky, whose territory belonged to Virginia, was anticipating a reception into the federal government, as a separate state, at no distant day. The admission of Vermont, it was seen, would tend, in some measure, to equalize representation. Her weight would serve as a counterpoise to the undue influence of particular sections of the Union. It was known at the north, that the adoption of the constitution of the United States had tended greatly to increase the desire of New York and Vermont, that the latter state should become a part of the Union. The controversy

* Life of Chipman, pp. 70-81.

which had so long divided these states, whose interests, but for that, were now almost identical, was the only barrier which prevented the connection. The wisest and best men in both, were ready to make the attempt to remove this hindrance, by concessions that would be just for each.* Such was the wish, also, of those to whom the administration of public affairs was entrusted.

For the purpose of manifesting their willingness to end the controversy, the Legislature of New York, on the 14th of July, 1789, passed an act "appointing commissioners with power to declare the consent of the Legislature of the state of New York, that a certain territory within the jurisdiction thereof, should be formed or erected into a new state." The commissioners named, were Robert Yates, Rufus King, Gulian Verplanck, Robert R. Livingston, Simeon De Witt, Richard Varick, and John Lansing Jr. In the words of the act, they, or "any four or more of them," were vested with full power "to declare the consent of the Legislature of this state, that such district or territory within the jurisdiction, and in the north-eastern and northern parts thereof, as the said commissioners shall judge most convenient, should be formed and erected into a new state." Special provision was at the same time made, that nothing contained in the act should be construed to give any person claiming lands in the district "to be erected into an independent state," any right to any compensation from the state of New York.†

* The tone of public opinion on the subject of the controversy may be deduced, to a certain extent, from the newspapers of that period. The following extract is from Thomas's Spy, No. 831, March 12th, 1789.

"Vermont, Bennington, February 23 [1789].

"Two of the agents of this state, appointed to attend on Congress, to negotiate the admission of this state into the new federal government, have attended the legislature of New York, during their session at Albany, in order to influence that honorable body to recognize our independence; and we learn that a bill for that purpose is now under their consideration, by which the western bounds of this state is affixed at the western bounds of the townships granted by Hampshire.

"We are informed from respectable authority, that many influential members of the legislature of New York, are anxious for the admission of Vermont into the Federal Union, to prevent internal divisions among the American states. The Hon. General Schuyler and others have given it as their opinion, that matters should be compromised amicably and speedily between this state and the New York claimants—the peace of the Union being of far greater value than half a million acres of land."

† This act was sent to Thomas Chittenden, in a letter dated at Albany on the 16th of July, 1789, and signed by all the commissioners except Richard Varick. Laws of N. Y., 1st meeting of 13th session, p. 2. Williams's Hist. Vt., ii. 257, 258.

On the 23d of October, 1789, the Legislature of Vermont responded to the advances made by the Legislature of New York, and passed an act, appointing Isaac Tichenor, Stephen R. Bradley, Nathaniel Chipman, Elijah Paine, Ira Allen, Stephen Jacob, and Israel Smith, commissioners in behalf of the state, "with full powers to them, or any four or more of them, to treat with commissioners that now are, or hereafter may be, appointed by the state of New York, and who shall be fully authorized and empowered, by the said state of New York, to ascertain, agree to, ratify, and confirm a jurisdictional or boundary line between the state of New York and the state of Vermont; and to adjust, and finally determine, all and every matter or thing which, in any wise, obstructs a union of this state with the United States." Special provision was at the same time made, that nothing in the act should be construed to give the commissioners power, either "to lessen or abridge the present jurisdiction" of Vermont; or to "oblige the inhabitants of the same, or any other person or persons, claiming title to lands" previously granted by Vermont, or "the late province of New Hampshire," to relinquish "their claims under the jurisdiction thereof, or, in any wise, subject the state of Vermont to make any compensation to different persons, claiming under grants made by the late province, and now state, of New York, of lands situate and being in the state of Vermont, and within the jurisdiction of the same."*

Having become satisfied that several omissions had been made in the act of the 14th of July, 1789, by which commissioners had been appointed to acknowledge the sovereignty of Vermont, the Legislature of New York, on the 6th of March, 1790, repealed that act, and passed another with a similar title. Robert Yates, Robert R. Livingston, John Lansing Jr., Gulian Verplanck, Simeon De Witt, Egbert Benson, Richard Sill, and Melancton Smith were named as commissioners in the second act. The same authority which had been conferred on the other commissioners was transferred to them, and, in addition to this, they were vested with "full power to treat, conclude, and agree with any person or persons, or any assemblies or bodies of people," touching the relinquishment of the jurisdiction of the state of New York over a certain portion of her "north-eastern and northern" territory; and touching "the securing or con-

* Slade's Vt. State Papers, pp. 192, 193. Life of Chipman, p. 82.

firming of rights, titles, or possessions of lands within such district or territory, held or claimed under grants from the state of New Hampshire while a colony, or under grants, sales, or locations made by the authority of the government or jurisdiction now existing, and exercised in the north-eastern parts of this state, under the name or style of the state of Vermont, against persons claiming the same lands under grants from this state while a colony, or since the independence thereof." In an accompanying proviso, the commissioners were prohibited from sanctioning or countenancing, in any way, the "grants, sales, or locations" made "by or under Vermont," in that portion of the state of New York, to which the name of the Western Union had been once applied by Vermont.

In another section of this act, it was stated, that whatever the commissioners might stipulate to receive, as "a compensation for extinguishing the claims" to lands "within the said district, derived under the late colony of New York," should be for the use of those claimants thus deprived of their grants, although in the stipulations the "compensation should be declared to be for the use of this state, or for the people thereof." It was also provided that nothing in this act should be construed to give to any person claiming as above set forth, "any right to any further compensation" from the state, than the compensation which might "be so stipulated as aforesaid."*

In conformity with the terms of this act, and of that passed by the Legislature of Vermont, the commissioners of the two states assembled. "The only point of difficulty and debate," observes Mr. Williams, "related to a compensation for the lands claimed by the citizens of New York, which had been regranted by the government of Vermont." The discussions on this subject were carried on in a most friendly and conciliatory manner, and after two or three meetings, "an equitable and amicable agreement" was concluded. On the 7th of October, the commissioners of New York by virtue of the powers granted to them for that purpose, declared the consent of the Legislature of New York, that the state of Vermont should be admitted into the Union of the United States of America; and that immediately upon such admission, all claims of jurisdiction of the state of New York within the state of Vermont should cease.

* Laws of N. Y., 2d meeting, 13th session, p. 13.

They further declared that thenceforth, "the perpetual boundary line between the state of New York and the state of Vermont" should be as follows:—"Beginning at the north-west corner of the state of Massachusetts; thence westward, along the south boundary of the township of Pownall, to the south-west corner thereof; thence northerly, along the western boundaries of the townships of Pownall, Bennington, Shaftsbury, Arlington, Sandgate, Rupert, Pawlet, Wells, and Poultney, as the said townships are now held or possessed, to the river, commonly called Poultney river; thence down the same, through the middle of the deepest channel thereof, to East Bay; thence through the middle of the deepest channel of East Bay and the waters thereof, to where the same communicates with Lake Champlain; thence through the middle of the deepest channel of Lake Champlain, to the eastward of the islands called the Four Brothers, and the westward of the islands called Grand Isle and Long Isle, or the Two Heroes, and to the westward of the Isle La Mott, to the forty-fifth degree of north latitude."

With regard to the lands which had been granted by New York, the commissioners, announcing "the will of the Legislature of the state of New York," decreed that, "if the Legislature of the state of Vermont should, on or before the first day of January, 1792, declare that, on or before the first day of June, 1794, the said state of Vermont would pay to the state of New York the sum of thirty thousand dollars, that, immediately from such declaration by the Legislature of the state of Vermont, all rights and titles to lands within the state of Vermont, under grants from the government of the late colony of New York, or from the state of New York, should cease," those excepted which had been made in confirmation of the grants of New Hampshire. Such was the deliberate decision of the commissioners upon the topics which had been submitted to them for a final and definitive settlement.*

The plan proposed in this decision met with the approbation of the Legislature of Vermont, and on the 28th of October they passed an act, directing the treasurer of the state to pay the sum of thirty thousand dollars to the state of New York, at or before the time proposed; adopting the line proposed by the commissioners as the perpetual boundary between the two states; and declaring all the grants, charters, and patents of

* Williams's Hist. Vt., ii. 258, 259. Slade's Vt. State Papers, pp. 190, 191. Thompson's Vt., Part II. p. 88. Doc. Hist. N. Y., iv. 1023.

land, lying within the state of Vermont, made by or under the late colony of New York, to be null and void, and "incapable of being given in evidence in any court of law" within the state, those excepted which had been made in confirmation of the grants from New Hampshire. "In this amicable manner," observes Mr. Williams, "was terminated a controversy which had been carried on with great animosity for twenty-six years."* Both sides were weary of the contest, and, happily for them, the general condition of America was favorable to conciliatory measures. This seems to have been the only period, in which the matter could have been adjusted to the satisfaction of all parties.†

The difficulties with New York having been terminated by these proceedings, the General Assembly of Vermont issued a call for a convention of the people, to take into consideration the expediency of joining the federal union. The convention met at Bennington on the 6th of January, 1791. Among the delegates were Thomas Chittenden, the president, and Moses Robinson, the vice-president of the convention, Nathaniel Chipman, Stephen R. Bradley, Ira Allen, Ebenezer Allen, Daniel Buck, Jonathan Arnold, Gideon Olin, Jonathan Hunt, John Strong, John Fassett, Timothy Brownson, and many others of sound practical sense, and stern integrity. Of the conflicting opinions which prevailed on this occasion, Mr. Williams remarks:—"The members were not all agreed on the expediency of being connected with the thirteen states, and it was doubted, whether a majority of the people were for the measure. Several members of the convention wished to defer the consideration of the question, to a more distant period. It was urged on the other hand, that the safety, the interest, and the honor of Vermont, would be essentially promoted by joining the union of the other states, and that this was the precise time, when it might be done without difficulty or opposition."

Favoring the accession of Vermont to the union, Nathaniel Chipman, distinguished both as an able jurist and an accomplished scholar, urged the convention to give their assent to the measure, and in a forcible and argumentative speech, advanced his reasons for recommending such a course. In emphatic language, he described the insignificance of the condition to

* The commencement of the controversy is generally fixed at the date of the Order of the King in Council, viz. July 20th, 1764. See *ante*, p. 130.

† Williams's Hist. Vt., ii. 259, 260. Slade's Vt. State Papers, pp. 191, 193, 194.

which Vermont would be continually subjected, should she remain a separate state, and foreshadowed her probable fate in case a war should arise between the United States and Great Britain. He showed in what manner learning and science, and manufactures, and the arts, would be patronized in Vermont by means of the Union, and how, as a result of the same cause, the moral and social condition of the state would be exalted. He referred to the different methods that had been adopted in different ages of the world, to bring states similarly situated to act as one confederacy, and declared that the constitution and the federal government of the United States, though almost phenomena in civil polity, were better calculated than any other means that could be adopted, to unite in one body the people of the United States, and to secure "the tranquillity, happiness, and prosperity of the Union."

Arguments like these prevailed, and on the 10th of January, after a session of four days, the convention resolved that application should be made to Congress for the admission of Vermont into the federal Union. This decision was supported by an instrument, in which the convention, by virtue of the power and authority to them entrusted for that purpose, "fully and entirely" approved of, assented to, and ratified the constitution of the United States, and declared, that "as soon as the state of Vermont shall be admitted by the Congress into the Union, and to a full participation of the benefit of the government now enjoyed by the states in the Union, the same shall be binding on us and the people of the state of Vermont forever." This instrument was signed by one hundred and five of the one hundred and nine members of the convention. The convention having completed the business for which they had been called together, dissolved on the 11th of January.

The General Assembly of Vermont met at Bennington, on the day previous to the dissolution of the convention, and, on the 18th, made choice of Nathaniel Chipman and Lewis R. Morris, as their commissioners to repair to Congress and negotiate the admission of Vermont into the Union. Pursuant to their appointment, these gentlemen visited Philadelphia and laid before General Washington, the President of the United States, the proceedings of the convention and Legislature of Vermont, before referred to. On the 18th of February, Congress by an act declared, "that on the fourth day of March, one thousand

seven hundred and ninety, one, the said state, by the name and style of 'the state of Vermont,' shall be received and admitted into this Union, as a new and entire member of the United States of America." Thus did Vermont finally reach the position which she was so well entitled to fill. Her accession to the Union was everywhere regarded with satisfaction, and no better proof of the feeling of Congress on the subject is needed, than the fact that she was admitted without debate and by a unanimously affirmative vote.*

During their session held at Windsor in the months of October and November following, the General Assembly of Vermont made provision for raising the sum of \$30,000, by a general land tax.† At this period in the history of the United States, before the establishment of a national currency, the difficulty of procuring large sums of silver or gold was severely felt. Owing to this scarcity of a circulating medium, and the poverty of the people, the state of Vermont was unable to pay the whole of the stipulated amount at the appointed time. An act was therefore passed by the Legislature of New York, extending the time of the payment. As soon as the greater portion of the \$30,000 had been received, a question arose as to the method of apportionment which should be adopted, in dividing it among those to whom it belonged. For the purpose of removing all trouble on this point, the Legislature of New York passed an act on the 6th of April, 1795, "concerning the money paid into the treasury of this state, by the state of Vermont."

In the preamble of this act, the various proceedings which had led to a settlement of the controversy were recited, and the necessity of making "a just and equitable distribution" of the money which already had been and which hereafter was to be paid, was stated. To accomplish this object, Robert Yates, John Lansing Jr., and Abraham Van Vechten were appointed commissioners,

* Williams's Hist. Vt., ii. 260, 261. Slade's Vt. State Papers, pp. 194-196. Life of Nathaniel Chipman, pp. 83-95. Ira Allen's Hist. Vt., pp. 249, 250.

† "The General Assembly of Vermont has passed a law, laying a tax of one halfpenny per acre, on all lands in that state, for the purpose of raising the sum of \$30,000, to discharge the demand of the state of New York upon them." Thomas's Spy, November 24, 1791, No. 973.

"As compensation for the loss of these lands, the state of Vermont stipulated and paid to the state of New York, 30,000 Spanish milled dollars."

"With good management, 30,000 dollars cancelled grants from the late colony of New York, for about 5,000,000 acres of land."—Ira Allen's Hist. Vt., pp. 249, 250.

to decide all claims of citizens of New York to lands situated in Vermont which had been ceded by the former state to the latter, and to determine what proportion of the \$30,000 each claimant should receive. The commissioners were directed to give notice of the time when they would receive and examine claims. Claimants who should not notify their claims to the commissioners, within one year after the publication of the notice, were declared for ever barred of the right of recovery. Vested with these powers, and guided by these regulations, the commissioners began their examination. Many applications were received, and the amount of compensation claimed was far greater than the sum from which it was to be drawn. Finally on the 23d of April, 1799, the commissioners rendered their report. Of the seventy-six-claimants among whom the sum was divided, those who received the largest amount were Goldsbrow Banyar, Samuel Avery, the heirs of James Duane, William Cockburne, the heirs of Simon Metcalf, Brooke Watson, William Smith, John Plenderleaf, Jonathan Hunt, John Bowles, Thomas Norman in right of his wife the daughter of Crean Brush, Abraham Lot, Samuel Stevens, James Abeel, the heirs of Cadwallader Colden, and John Bard.*

With this apportionment all the direct results flowing from the controversy between New York and Vermont ceased. The two states, united by the bonds of trade and mutual interest, no longer regarded one another with jealousy or distrust, but sought rather, by the interchange of confidence and concession, to obliterate the recollections of the past. From the time when Vermont first declared her independence, "Freedom and Unity" was the expression of the principles which guided her conduct. "Freedom and Unity" is the motto with which she now stands among the states of this Union.

* Life of Chipman, p. 82. Laws of N. Y., 18th session, pp. 84, 85. Doc. Hist. N. Y., iv. 1024, 1025.

An account of the division of the \$30,000 is contained in Appendix L.

CHAPTER XXI.

EARLY LAWS OF VERMONT—INDIAN INSCRIPTIONS.

First constitution of Vermont modelled on the first constitution of Pennsylvania—Constitution of Vermont legalized by statutory enactments—Epitome of the constitution—Its religious and moral elements—The test creed—Educational interests—Freedom of speech and of the press maintained—Establishment of courts of justice—Good men to be placed in office—The purity of the ballot-box—The necessity of labor—First essay at legislation—The laws of February, 1779—The “Word of God” and the “Connecticut law book”—The criminal code of Vermont—Capital offences—Degrading punishments—Manslaughter—Incest—Adultery—Polygamy—Housebreaking and highway robbery—Counterfeiting—Riot—Perjury—Forgery—Lying—Theft—Cursing or profane swearing—Gaming—Horse-racing—Night-walking—Tavern-haunting—Licensing taverns—Drunkenness—Sabbath-breaking—Stocks—Care of the poor—Militia service—Attorneys—Instances of the infliction of corporal punishment—Singular customs—Imprisonment for debt—The burial of Thomas Chandler Sen.—The marriage of Mrs. Lovejoy—Indians of Vermont—Cooe—Newbury—Indian sculptures at Bellows Falls—The “Indian Rock” on West or Wantastiquet river.

THE references in some of the previous chapters to the statutes enacted by the General Assembly of Vermont for the punishment of Yorkers and the enemies of the state, would naturally lead the reader to inquire concerning the character of the early legislation of this independent jurisdiction. Allusion has already been made to the peculiar circumstances under which the first constitution of Vermont was adopted. Soon after the people of the New Hampshire Grants had declared that district a free and independent state, many disinterested persons expressed a desire that the organization of “New Connecticut, *alias* Vermont,” as the new state was called, should be immediately effected. On the 11th of April, 1777, Dr. Thomas Young, a citizen of Philadelphia, published an address to the inhabitants of Vermont, urging them to maintain the ground they had taken, and pointing out to them the method by which

many of the difficulties in forming a government might be met and overcome. "I have recommended to your committee," he observed in this address, "the constitution of Pennsylvania as a model, which, with a very little alteration, will, in my opinion, come as near perfection as any thing yet concocted by mankind. This constitution has been sifted with all the criticism that a band of despots was master of, and has bid defiance to their united powers." His advice was followed, and an instrument which was supposed to have been the work of Benjamin Franklin became the basis of that upon which the government of Vermont was established.*

Though built on so good a foundation, the constitution of Vermont was the work of men whose necessities gave them but little time for thought or deliberation. Prepared at a time when the United States was engaged in a war which convulsed the whole American continent; completed at the moment when Burgoyne, having ravaged the shores of Lake Champlain, was maturing the reduction of Ticonderoga; and published while the excitement consequent upon the triumph at Bennington was still agitating the minds of the Green Mountain Boys, it was never sanctioned by a vote of the people, but was tacitly accepted by them as the exponent of their rights and privileges. The remark of Governor Slade, that the constitution of Vermont "was considered a mere nullity by the *statesmen* of that period," cannot be regarded as strictly correct. At the same time, it is difficult to determine in what estimation it was held, either by them or the people. The first act passed by the General Assembly, at their session held at Bennington on the 11th of February, 1779, was "An act for securing the general privileges of the people, and establishing common law and the *constitution*, as part of the laws of this state." For what purpose this statute was needed is by no means apparent. In its very nature, the constitution of a state is superior to any statute law. It is, in a certain sense, the fountain and source of statute law. By it the state is organized and becomes invested with power to legislate. The attempt, therefore, of the General Assembly of Vermont to legalize the constitution of the state, appears to have been either simply an absurdity, or a proof that

* The similarity between the first constitution of Vermont and the first constitution of Pennsylvania may be seen by comparing those instruments as they appear in the "Memoir of Thomas Chittenden," by Daniel Chipman, pp. 26-50. *et passim*.

the statesmen regarded the constitution as possessed of but little binding force, and hoped to dignify it in the estimation of the people, by investing it with, at least, the power of law.

Had there been no further attempts to give the constitution a statutory force, this inference might be regarded as partially correct. The desire to "make assurance double sure," seems, however, to have prevailed in the minds of the law-makers, and its effect in bolstering up the constitution was visible in a number of instances. In June, 1782, a law was enacted by the General Assembly, while in session at Windsor, for the purpose of "establishing the constitution of Vermont, and securing the privileges of the people." At a convention held at Manchester in June, 1786, the constitution was revised and re-established. The General Assembly sat during a portion of February and March, 1787, at Bennington, and on the 8th of the latter month they declared by a special statute, that the constitution "shall be forever considered, held, and maintained, as part of the laws of this state." The constitution underwent a second revision at a convention held at Windsor in July, 1793. At a session of the General Assembly held at Rutland during October and November, 1796, that instrument was, by a legislative enactment, passed on the third day of the latter month, again pronounced and established "the supreme law" of the state.*

The first constitution was "established by convention" on the 2d of July, 1777. It was divided into three parts. The first division consisted of a preamble, in which were set forth the reasons that had induced the people of the New Hampshire Grants, to form themselves into a separate and independent commonwealth. A "Declaration of the rights of the inhabitants of the state of Vermont" was comprised in the second division. The third division contained the "Plan or frame of government," in accordance with which the affairs of the state were to be conducted. The tone of the whole instrument was moral, manly, independent. Vermont ever strove to imbue her public expressions with the spirit of freedom. In her relations with other states, she preserved her word and her honor unimpaired. Only in her negotiations with the British in Canada did she employ ambiguous terms and the arts of diplomacy, but it was by these means that she maintained her separate

* *Shade's Vt. State Papers*, p. 288. *Statutes of Vt.*, 1787, pp. 31, 32. *Acts and Laws of Vt.*, 1796, pp. 3, 4.

political existence, and secured the frontiers of the northern states from rapine and devastation. The positions taken in the constitution were in strict conformity with the character of men who loved liberty and hated oppression. The natural freedom of man; the inherence of power in the people; the establishment of government for the benefit of all; the purity of the ballot-box; the subserviency of private property to public uses; the trial by jury; the sacredness of hearth and home; the subordination of the military to the civil power; the right of petition and remonstrance—these, and other principles equally noble, were asserted with unaffected confidence, in this exposition of the moral, civil, and political faith of the people of Vermont.

Concerning man as a religious being, it was claimed “that all men have a natural and unalienable right to worship ALMIGHTY GOD, according to the dictates of their own consciences and understanding, regulated by the word of God; and that no man ought, or of right can be compelled to, attend any religious worship, or erect or support any place of worship, or maintain any minister, contrary to the dictates of his conscience; nor can any man who professes the Protestant religion, be justly deprived or abridged of any civil right, as a citizen, on account of his religious sentiment, or peculiar mode of religious worship; and that no authority can, or ought to be invested in, or assumed by any power whatsoever, that shall, in any case, interfere with, or, in any manner, control the rights of conscience in the free exercise of religious worship. Nevertheless, every sect or denomination of people ought to observe the Sabbath or the Lord’s day, and keep up and support some sort of religious worship, which to them shall seem most agreeable to the revealed will of God.” These sentiments were more strenuously enforced in the positive declaration that “laws for the encouragement of virtue and prevention of vice and immorality shall be made and constantly kept in force; and provision shall be made for their due execution; and all religious societies or bodies of men, that have been, or may be hereafter, united and incorporated for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities, and estates, which they, in justice, ought to enjoy under such regulations as the General Assembly of this state shall direct.”

Though these semi-puritanic law-givers were willing to allow to the people a considerable latitude in the "mode of religious worship," yet in matters of religious faith they were more exacting. Every member of the General Assembly, before taking his seat, was required to accept and subscribe a test creed, in these words:—"I do believe in one God, the Creator and Governor of the universe, the rewarder of the good and punisher of the wicked. And I do acknowledge the scriptures of the Old and New Testament to be given by Divine inspiration, and own and profess the Protestant religion." It appears by the records of the General Assembly, that Ethan Allen, who was returned a member from Arlington in October, 1778, refused to express his belief in the manner prescribed by law. His participation in the deliberations of that session, shows that his non-conformity did not debar him from serving as the representative of his constituents. When in October, 1785, the constitution was revised, the acknowledgment of a religious belief was deemed essential, and the test creed was retained unchanged.

While the interests of religion were thus protected, educational interests were not neglected. The provision made for the instruction of the youth of the state, at a time when boys of sixteen were compelled to bear arms, and when the alarms of war rendered a continuous attention to the arts of peace almost impossible, affords a striking example of the forecast of these self-taught statesmen. Fully imbued with the necessity of multiplying the advantages of instruction, they declared that "a school or schools shall be established in each town by the Legislature, for the convenient instruction of youth, with such salaries to the masters, paid by each town, making proper use of school lands in each town, as thereby to enable them to instruct youth at low prices. One grammar school in each county, and one university in this state, ought to be established by direction of the General Assembly." To these wise provisions and to the laws which were afterwards enacted in accordance with them, Vermont owes the high position which she now holds, in an educational point of view, among the other states of the Union.

Among a people who had ever been accustomed to express publicly their opinions, restraints infringing upon this privilege would be necessarily irksome. To guard against a contingency of this nature, and to protect that medium by which public

wrongs are exposed, the condition of the state made known, and information of every proper character extended, the legislators of Vermont asserted "that the people have a right to freedom of speech, and of writing and publishing their sentiments: therefore, the freedom of the press ought not to be restrained," and further, that "the printing presses shall be free to every person who undertakes to examine the proceedings of the Legislature, or any part of government."

Ever since the abolition of colonial rule, the trial and punishment of evil-doers had devolved upon town and county committees of safety, and upon such other temporary tribunals as had been warranted by public policy, and tacitly sanctioned by the people. As a consequence of this imperfect mode of judicial administration, the power thus delegated was often used to gratify the promptings of malice, or, on account of ignorance, was not exercised with that discrimination which distinguishes accurately between the right and the wrong. "Courts of justice shall be established in every county in the state," proclaimed the constitution, and thenceforth Justice blinded her eyes to the temptations which were springing up on every side to beguile her, and adjusted her scales with honest precision.

For the purpose of securing a just administration of the affairs of government, the principle of selecting for office, men of high moral character and unblemished reputation, was early established. In avowing this idea the announcement was made, "that frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry, and frugality are absolutely necessary to preserve the blessings of liberty, and keep government free. The people ought, therefore, to pay particular attention to these points in the choice of officers and representatives. The people have a right to exact a due and constant regard to them, from their legislators and magistrates, in the making and executing such laws as are necessary for the good government of the state." These notions found full development in the plain statement "that no person shall be capable of holding any civil office in this state, except he has acquired and maintains a good moral character." To afford a more effectual protection in the exercise of the elective franchise, it was decreed by the constitution that "all elections, whether by the people or in General Assembly, shall be by ballot, free and voluntary; and any elector who shall receive any gift or reward for his vote, in meat, drink, monies,

or otherwise, shall forfeit his right to elect at that time, and suffer such other penalty as future laws shall direct. And any person who shall, directly or indirectly, give, promise, or bestow any such rewards to be elected, shall thereby be rendered incapable to serve for the ensuing year." By legislative enactments, other punishments were denounced against those who should attempt to impair the purity of the ballot-box.

In the system of government promulged by the founders of the new state, industry, as the safeguard of a people, was a foundation principle. The sentence passed upon the father of mankind, wherein it was declared, that in the sweat of his face he should eat bread, was too plainly applicable to his descendants inhabiting a country as unproductive as was Vermont, to allow of the supposition, that any one could live there without employment of some nature. Having been obliged to gain their own subsistence by toilsome labor, the first legislators of Vermont felt and declared the necessity of a similar course, for all who desired to maintain a manly self-respect. These sentiments found expression in the constitution, in the following language :—" As every freeman, to preserve his independence (if without a sufficient estate), ought to have some profession, calling, trade, or farm, whereby he may honestly subsist, there can be no necessity for, nor use in establishing offices of profit, the usual effects of which are dependence and servility unbecoming freemen, in the possessors or expectants, and faction, contention, corruption, and disorder among the people. But if any man is called into public service, to the prejudice of his private affairs, he has a right to a reasonable compensation. And whenever an office, through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the Legislature."*

Such were some of the features of the constitution under which the new state began its political existence. In the government as established, the supreme legislative power was vested in "a House of Representatives of the freemen, or commonwealth, or state of Vermont," and the supreme executive power in a Governor and a Council of twelve, the members of which body were denominated Councillors or Assistants. The first session of the General Assembly—the name by which the

* Acts and Laws of Vt., 1779, pp. i.—xii., 1, 2. Slade's Vt. State Papers, pp. 241-255, 287, 288, 524.

House of Representatives was commonly designated—was held in March, 1778. A second was held in June, and a third in October following. The laws which were passed at these sessions were published towards the close of the year in pamphlet form, but were never recorded in the office of the secretary of state. Of their nature little is known. They, doubtless, partook more of the character of temporary regulations than of permanent laws. In the journal of the first session, there are two entries under the date of March 26th, in these words:—

“Passed an act for the punishing high treason and other atrocious crimes, as said act stands in the Connecticut law-book.”

“Passed an act against treacherous conspiracies, as said act stands in the Connecticut law-book.”

From these and other indications of a similar nature, it may be reasonably inferred, that Connecticut was the source whence New Connecticut, *alias* Vermont, derived many of her ideas of government and law. The crude manner in which these ideas were necessarily, in many instances, expressed, was doubtless the reason why the early enactments were not recorded. “It is indeed a subject of regret,” observes Mr. Slade, “that any cause should have been thought sufficient to justify a neglect, by which the *first essay* at legislation by the government of Vermont, has been lost to succeeding generations.”

From the laws enacted at the fourth session of the General Assembly, held in February, 1779, a very correct idea may be formed of the determined character of the people of Vermont. No one can fail to recognise the fact, as developed in these statutes, that they loved liberty, hated oppression, and deemed it necessary to visit crime with punishments of the severest nature. By the first act passed at this session, it was decreed, as has been before stated, that the constitution should be “forever considered, held, and maintained, as part of the laws of this state.” In the preamble of the same act, it was maintained that “the free fruition of such liberties and privileges as humanity, civility, and Christianity call for, as due to every man, in his place and proportion, without impeachment and infringement, hath been, and ever will be, the tranquillity and stability of churches and commonwealths; and the denial or deprivation thereof, the disturbance, if not the ruin of both.” Agreeable to these positions, it was enacted by statute, that “no man’s life shall be taken away; no man’s honor or good

name stained ; no man's person shall be arrested, restrained, banished, dismembered, nor any ways punished ; no man shall be deprived of his wife or children ; no man's goods or estates shall be taken away from him, nor any ways indamaged under colour of law, or countenance of authority, unless it be by virtue of some express law of this state, warranting the same, established by the General Assembly ; or, in case of the defect of such law in any particular case, by some plain rule warranted by the Word of God."

That the "Word of God" and the "Connecticut law book" were the sources, whence were drawn those ideas which prevailed in the formation of the penal statutes of Vermont, may be readily seen from an examination of the statutes themselves. "The early criminal code of Connecticut," observes a late writer,* "recognized twelve capital offences, to which two more were afterwards added, and all of which were founded on the strict precepts of the Levitical law." The criminal code of Vermont, adopted in February, 1779, recognized nine offences punishable by death. These were treason ; murder ; arson ; rape ; bestiality ; sodomy ; bearing false witness against a person for the purpose of causing his death ; mutilation, either by maliciously cutting out or disabling the tongue, or by putting out one or both of the eyes, "so that the person is thereby made blind," or by emasculation ; and blaspheming "the name of God the FATHER, SON, or HOLY GHOST, with direct, express presumption, and high-handed blasphemy," or cursing "in the like manner."†

Other crimes were regarded with a sternness approaching almost to that which characterized the Draconian system. Manslaughter was punished by the forfeiture to the state of "all the goods and chattels" of the manslayer ; by whipping "on the naked body ;" by branding the hand "with the letter M on a hot iron ;" and by disabling the offender "from giving verdict or evidence" in any court in the state. Persons convicted of the crime of incest were compelled to sit "upon the gallows the space of one hour, with a rope about their neck, and the other end cast over the gallows ; and in the way from thence to the common gaol," were to be "severely whipt, not

* See "Sketches of the Lives and Judicial Services of the Chief Justices of the Supreme Court of the United States," by George Van Santvoord, p. 223.

† Acts and Laws of Vt., 1779, pp. 1, 2, 5, 73, 74, 94. Slade's Vt. State Papers, pp. 267, 287, 288, 291, 292, 354, 355, 375.

exceeding thirty-nine stripes each." Other punishments for this offence were stated in these words:—"Persons so offending, shall, forever after, wear a capital letter I, of two inches long and proportionable bigness, cut out in cloth of a contrary colour to their cloaths, and sewed upon their garments, on the outside of their arm, or on their back, in open view. And if any person or persons, convicted and sentenced as aforesaid, for such offence, shall, at any time, be found without their letter so worn, during their abode in this state, they shall, by warrant from any one assistant or justice of the peace, be forthwith apprehended, and ordered to be publicly whipt, not exceeding fifteen stripes, and from time to time, or as often as they shall so offend." Incestuous marriages were also declared void, and all children born of such connection were "forever disabled to inherit by descent, or by being generally named in any deed or will, by father or mother."

In the statute "against and for the punishment of adultery" the following language was held:—"Whosoever shall commit adultery with a married woman, or one betrothed to another man, both of them shall be severely punished by whipping on the naked body, not exceeding thirty-nine stripes, and stigmatized, or burnt on the forehead with the letter A, on a hot iron; and each of them shall wear the capital letter A, on the back of their outside garment, of a different color, in fair view, during their abode in this state. And as often as such convicted person shall be seen without such letter, and be thereof convicted before an assistant or justice of the peace in this state, [he] shall be whipt on the naked body, not exceeding ten stripes." The same punishments were denounced against those who should be guilty of polygamy, and polygamous marriages were declared "null and void." At the session of the General Assembly in October, 1783, the statutes against adultery and polygamy were re-enacted in a more definite form, but with penalties attached similar to those above recited.

House-breaking and highway robbery were punished with great severity. "Whosoever shall commit burglary," these were the words of the statute, "by breaking up any dwelling-house, or shop, wherein goods, wares, and merchandize are kept; or shall rob any person in the field or highway—such person, so offending, shall, for the first offence, be branded on the forehead with the capital letter B, on a hot iron, and shall have one of his ears nailed to a post and cut off; and shall also

be whipped on the naked body fifteen stripes. And for the second offence, such person shall be branded as aforesaid, and shall have his other ear nailed and cut off as aforesaid, and shall be whipped on the naked body twenty-five stripes. And if such person shall commit the like offence a third time, he shall be put to death as being incorrigible.”*

In the law “against counterfeiting bills of public credit, coins, or currencies,” the penalties denounced upon those guilty of this offence were expressed in these words:—“Every person or persons, so offending, shall be punished by having his right ear cut off, and shall be branded with the capital letter C, on a hot iron, and be committed to a work-house, there to be confined and kept to work, under the care of a master, and not to depart therefrom, without special leave from the Assembly of this state, until the day of his death, under the penalty of being severely whipped by order of any court, assistant, or justice, and thereupon to be returned to his former confinement and labor.” In addition to these punishments the estate of the offender was declared forfeited to the state. The law for punishing those guilty of hindering any officer, “judicial or executive, civil or military,” in the performance of his duty, has been previously recited.† By the law enacted for the purpose of “preventing and punishing riots and rioters,” offenders were to be fined a sum not exceeding £200, and imprisoned for not more than six months, or whipped “not exceeding forty stripes.” Perjury was punished by a fine of £50, and imprisonment for six months. The law further provided, in case the “offender or offenders, so offending, have not goods and chattels to the value of £50, that then he or they shall be set in the pillory by the space of two hours, in some county town where the offence was committed, or next adjoining to the place where the offence was committed; and to have both his ears nailed and cut off; and from thenceforth be discredited, and disabled forever to be sworn in any court whatsoever, until such time as the judgment shall be reversed.”‡

Any person guilty of forgery was compelled to stand in the pillory on “three several days of public meeting, not exceeding

* Acts and Laws of Vt., 1779, pp. 3-5, 84, 93. Slade's Vt. State Papers, pp. 290, 291, 366, 374, 375, 473-475.

† *Ante*, pp. 340, 341.

‡ Acts and Laws of Vt., 1779, pp. 13, 60, 61, 96. Slade's Vt. State Papers, pp. 300, 333, 346-348, 377.

two hours each day ;” to pay double damages ; and was also rendered incapable of giving “any evidence or verdict in any court, or before any magistrate or justice of the peace.” By the act “for the punishment of lying,” it was declared “that every person of the age of discretion, which is accounted fourteen years, who shall wittingly and willingly make or publish any lie, which may be pernicious to the public weal, or tend to the damage or injury of any particular person, or *to deceive and abuse the people with false news or reports*, and be thereof duly convicted before any court, assistant, or justice of the peace, shall be fined for the first offence 40s., or if unable to pay the same, then such person shall sit in the stocks not exceeding two hours.” For the second offence, the delinquent was to be fined “double the aforesaid sum,” or to be “whipped on the naked body, not exceeding ten stripes.” The third offence was to be punished by “double the fine for the second,” or by “twenty stripes ;” and for each succeeding offence the fine was to be increased 10s., or five stripes. It was understood, however, that the number of stripes was in no case to exceed thirty-nine.

Theft, provided the value of the property stolen was less than £6, was punished by compelling the offender to make restitution to the owner in a threefold ratio, and by a discretionary fine, not to exceed £10. If the value of the property was £6 or more, the thief, in addition to the triple forfeiture, was “punished by whipping, not exceeding thirty-nine stripes.” For the purpose of meeting the contingency of poverty, it was further ordained :—“If any such offender be unable to make restitution, and pay such three-fold damages, such offender shall make satisfaction by service ; and the prosecutor shall be, and is hereby empowered *to dispose of such offender in service, to any subject of this state*, for such time as he shall be assigned to such prosecutor by the court, assistant, or justice, before whom the prosecution shall be.” Cursing and profane swearing were punished by a fine of 6s., or by sitting in the stocks “not exceeding three hours, and not less than one hour,” and paying the cost of prosecution. He who allowed gaming in any form on his premises, was punished by fine, as was also he who engaged in this unlawful sport, or in horse-racing.*

* Acts and Laws of Vt., 1779, pp. 35, 36, 44, 80, 88, 89, 92. Slade's Vt. State Papers, pp. 824, 831, 861, 862, 869, 870, 873.

For the purpose of preventing "unseasonable night-walking, and for the punishing of disorders committed in the night season," a statute was enacted, by the terms of which it was declared, "that if any persons that are under the government of parents, guardians, or masters; or any boarders or sojourners, shall convene, or meet together, or be entertained in any house, without the consent or approbation of their parents, guardians, or masters, after nine o'clock at night, any longer than to discharge the business they are sent about; or shall meet together, and associate themselves in company or companies, in streets or elsewhere after the time aforesaid, and shall commit any disorder, or make any rout at any time in the night season—each person so offending shall forfeit 20s. for every such offence." It was also provided by this act, that if any person suspected of being engaged in causing disturbance at night, should not be able to give "a satisfactory account" of himself at the time the disturbance occurred, and prove that he "had no hand" in it, he should be liable for all damage arising therefrom.

Power was given to the county courts to license suitable persons to keep houses of public entertainment. At the same time, means were taken to prevent the abuses which might arise from the indiscriminate sale of intoxicating liquors. Whenever it should appear to the officers of a town that any person residing within the town was "a tavern-haunter," or that he spent "his time idly" at houses of entertainment, they were authorized "to cause the name of such tavern-haunter to be posted at the door of every tavern in the same town, by setting up a certificate, under their hands, forbidding every tavern-keeper in such town," under penalty of a fine of £3, and forfeiture of his license-bond, to entertain, or suffer any tavern-haunter so posted, "to have or drink any strong liquors of any kind whatsoever, in or about his house," until the prohibition should be removed. In case the person warned in the manner aforesaid, should refuse to lay aside his "evil practises," authority was given to the town officers to require surety for his good behavior. Should the offender fail to find surety, he was required "to pay a fine of 20s. or sit in the stocks for the space of two hours, on some public time or season."

None except licensed keepers of houses of public entertainment were allowed to vend liquors "by a less quantity than a quart." Any person "duly convicted of keeping a tippling-

house, or of selling strong beer, ale, cider, perry, metheglin, wine, rum, or mixed drink, or any strong drink whatsoever, by retail in small quantities, as aforesaid, without license first had as aforesaid," was rendered liable to a fine of £3 for the first offence, of £6 for the second offence, and in default of payment in either case, "to be publicly whipped on the naked body not less than ten, nor exceeding fifteen stripes."*

By the statute for "the punishment of drunkenness," it was enacted that if any person should "be found drunken," so as to "be thereby bereaved and disabled in the use of reason and understanding, appearing either in speech, gesture, or behavior, and be thereof convicted, he or she" should forfeit to the treasurer of the town where the offence was committed, "for the use of the poor therein," 8s. for each offence, or "sit in the stocks not to exceed three hours, nor less than one hour."†

In no instance, perhaps, was the influence of "the Connecticut law book" more apparent, than in the act "for the due observation and keeping the first day of the week, as the Sabbath or Lord's day; and for punishing disorders and profaneness on the same." By its regulations no person was allowed to perform any labor, "works of necessity and mercy, only, excepted," or engage in "any game, sport, play, or recreation" on Sunday, or on any day of public fasting or thanksgiving, under a penalty not exceeding £10. Whoever should be guilty of "any rude, profane, or unlawful behaviour on the Lord's day, either in words or actions, by clamorous discourse, or by shouting, hallooing, screaming, running, riding, dancing, jumping, blowing of horns, or any such like rude or unlawful words or actions, in any house or place, so near to, or in, any public meeting-house for divine worship, that those who meet there may be disturbed by such rude and profane behaviour," was to be fined 40s. for every such offence, and "whipped on the naked back, not exceeding ten stripes, nor less than five." No person was allowed to "drive a team, or droves of any kind, or travel on said day," except on business relating to "the present

* By an act of the General Assembly passed on the 21st of October, 1782, this act was amended, and none but licensed tavern-keepers, and persons especially licensed by the justices and selectmen, in each town, were permitted "to sell any distilled liquor or wine, in any less quantity than *fifteen gallons*, delivered and carried away at one time, on penalty of forfeiting the sum of £10." See *ante*, pp. 189, 190.

† Acts and Laws of Vt., 1779, pp. 44, 77, 89-92. Slade's Vt. State Papers, pp. 331, 359, 370-373.

war," or unless "by some adversity" he had been belated, "and forced to lodge in the woods, wilderness, or highways the night before." In the latter case he was allowed to proceed on Sunday no further than to "the next inn or place of shelter."

No person was allowed to be accompanied by an attendant on Sunday, while going to or returning from "the public worship of God," unless necessity or mercy required it. Listening "outside of the meeting-house during the time of public worship;" unnecessarily withdrawing one's self from "the public worship to go without doors;" and desecration of the time "by playing or profanely talking" were also strictly forbidden. The old New England custom, according to which Sunday was regarded as beginning at sunset on Saturday, not only obtained in Vermont but was in a measure defended by law. "If any number of persons," these were the words of the statute, "shall convene and meet together in company or companies, in the street or elsewhere, on the evening next before or after the Lord's day, and be thereof convicted, [they] shall pay a fine not exceeding £3, or sit in the stocks not exceeding two hours." To this section a proviso was attached declaring that it was not to be "taken or construed to hinder the meetings of such persons upon any religious occasions." The officers of each town were required to "restrain all persons from unnecessary walking in the streets or fields, swimming in the water, keeping open their shops, or following their secular occasions or recreations in the evening preceding the Lord's day, or on said day, or evening following." A wholesome dread of disobeying any of the regulations enjoined by this act was inculcated by the denunciation of penalties of various kinds against Sabbath-breakers.*

For facilitating the infliction of punishment, every town was ordered to "make and maintain at its own charge, a good pair of stocks, with a lock and key, sufficient to hold and secure such offenders as shall be sentenced to sit therein; which stocks shall be set in the most public place in each respective town." In accordance with the principles of philanthropy and Christian charity, measures were taken for "maintaining and supporting the poor," and many laws having for their object the welfare and improvement of society were enacted.

* Acts and Laws of Vt., 1779, pp. 26, 27. Slade's Vt. State Papers, pp. 813-815.

All male persons between the ages of sixteen and fifty were required to "bear arms, and duly attend all musters and military exercises" of the companies to which they belonged, with the exception of "ministers of the gospel; councillors; justices of the peace; the secretary [of state]; judges of probate and of superior and inferior courts; the president, tutors, and students at collegiate schools; masters of arts; allowed physicians and surgeons; representatives or deputies for the time being; school-masters; attornies-at-law; one miller to each grist-mill; sheriffs and constables for the time being; constant jurymen; tanners, who make it their constant business; and lamed persons or others disabled in body." Each soldier and householder was required to be always provided with, and to have in constant readiness, "a well fixed firelock, the barrel not less than three feet and a half long, or other good fire-arms, to the satisfaction of the commissioned officers of the company to which he doth belong, or in the limits of which he dwells; a good sword, cutlass, tomahawk, or bayonet; a worm and priming-wire fit for each gun; a cartouch-box or powder-horn, and bullet-pouch; one pound of good powder; four pounds of bullets fit for his gun; and six good flints." Full details of the rules by which the militia of the state were to be guided were also set forth, and provision was made for the varied difficulties which might arise in the construction of a military organization.

For the purpose of insuring a proper presentation of the principles of law and justice, and in order to prevent ignorant and unscrupulous men from practising in the courts, every person approved of as an attorney-at-law was required, before being admitted to the bar, to take the following oath:—"You swear by the ever-living God, that you will do no falsehood, nor consent to any to be done in the court; and if you know of any to be done, you shall give knowledge thereof to the judges or justices of the court, or some of them, that it may be reformed. You shall not, wittingly, and willingly, or knowingly promote, sue, or procure to be sued, any false or unlawful suit, nor give aid or consent to the same. You shall demean yourself in the office of an attorney within the court, according to the best of your learning and discretion, and with all good fidelity, as well to the court as to the client. So help you God."*

* Acts and Laws of Vt., 1779, pp. 18-24, 43, 78, 97, 98. Slade's Vt. State Papers, pp. 305-312, 330, 331, 359, 360, 378, 379.

The statutes enacted in February, 1779, some of the most remarkable of which have been cited, served as the basis of the system of law which for many years obtained in Vermont. At the session of the General Assembly, held in June, 1782, the common and statute laws of England, so far as they were applicable to a republican form of government, and were "not repugnant to the constitution, or to any act of the Legislature" of Vermont, were adopted as the laws of the state. Corporal punishment, though at first much employed as a means of reformation, gradually fell into disuse, as moral suasion usurped the place of brute force, and finally ceased to be recognized as a lawful penalty.* Instances of the infliction of this and of other degrading punishments are often met with in the records of Vermont trials.

At the session of the Superior court, held at Windsor, in February, 1784, Abraham Taylor, who pleaded guilty to the commission of a crime too indecent to name, received this sentence:—"That he be taken by the sheriff to the whipping-post, and be whipped on the naked body thirty-nine stripes; sit in the pillory half an hour on two different days, viz. half an hour on each day; be imprisoned one month; pay a fine of £20 and cost of prosecution; and stand committed till judgment be complied with." Martha Mansfield having been adjudged guilty of a certain offence, at the session of the Superior court, held at Marlborough on the fifth Tuesday of August, 1786, was sentenced to be taken to the public whipping-post in that town; whipped twenty stripes on the naked body; pay the costs of prosecution; and be imprisoned until judgment was complied with. At the same time Mary Hazeltine and Timothy Holbrook were sentenced to receive twenty-five stripes each, and Thomas Walker thirty stripes. On the first Tuesday of March, 1789, a session of the Superior court was held at Newfane. On this occasion the guilt of Ezra Whitney in some transaction having been proved, he was sentenced "to stand in the pillory one hour, between the hours of twelve and two, at Newfane in the county of Windham, on the 9th day of instant March, in a public place near the Court-house; pay a fine of £30 to the treasury of the state; and pay costs of prosecution, taxed at

* The efforts of the first Council of Censors, at their meetings held during the years 1785 and 1786, were very beneficial in rendering the character of the punishment for minor offences less brutal, and in introducing a more humane spirit into the criminal code of the state.

£10 13s. 8d.” The trial of Reuben Row, *alias* Munroe, by the Supreme court, at their session held at Newfane on the 4th of September, 1789, on the charge “of passing to John Holbrook Jr. one piece of false money, made of certain mixed and base metals, counterfeited to the likeness and similitude of a piece of good, lawful, and current coin of this state, called a dollar,” resulted in his conviction. The sentence of the court was carried into execution by Samuel Fletcher, the sheriff, who administered to the culprit “twenty stripes on his naked back, well laid on, at the common whipping-post in said Newfane, between the hours of two and four in the afternoon” of the day on which the judgment was rendered. It further appears, by the records of the court, that on the morning of the same day, “Row *alias* Munroe” was punished by being compelled to stand “in the common pillory” of Windham county “for the space of one hour.”*

In a country or state where no very definite ideas either of law or of the principles of right are held by the people, customs sometimes prevail, which, though strange and unnatural, are often observed with the most scrupulous care. Of those which obtained among the early settlers of Vermont, springing from a perversion of legal maxims, two examples have been preserved. On the 16th of June, 1785, the General Assembly of Vermont passed an act discharging from imprisonment, on certain conditions, Thomas Chandler of Chester, one of the early settlers on the New Hampshire Grants. On the 20th of the same month, before he was enabled to comply with the terms of the act, Chandler died in the jail at Westminster, where, during several months, he had been confined for debt. According to the ideas of that period, if the friends of a person dying in prison carried his remains beyond the boundaries of the jail-yard they were regarded as accomplices in an “escape,” and were supposed to be liable to satisfy the judgment by virtue of which he was confined. Another foolish notion led people to imagine, that any one who should bury the body of an imprisoned debtor would thereby become executor in his own wrong, and, as an intermeddler with the estate of the debtor, liable to discharge the debtor’s obligations. How to give Christian burial to the remains of Judge Chandler, and yet avoid the responsibility of answering for his defaults, was a serious question.

* MS. Court Records. Slade’s Vt. State Papers, p. 450.

For several days the corpse remained in the cell of the jail, shunned by those whose common sense, one would suppose, should have taught them the folly of a custom which forbade them to perform an act of humanity as imperative and solemn as is that of inhumation. At length, when the body had become so offensive as to endanger the health of the prisoners confined in the jail, Nathan Fisk, the jailer, suggested an expedient which was quickly put in practice. On measuring the jail liberties, he found, that by stretching the chain, he could include within them a small portion of the adjoining burying-ground. A grave was then commenced just outside the graveyard fence, and just within the jail-yard limits. As the excavation advanced, it was directed obliquely under the fence, until a sufficient depth and obliquity had been obtained. These preparations having been completed, the jailer in company with a few individuals entered, in the silence of midnight, the cell where the putrescent mass was lying, placed it in a rough, box-like coffin, drew it on the ground to the spot selected for interment, and consigned to its last resting-place all that remained of the once noted Chandler. Thus was he buried within the jail limits, and yet, by a very pardonable evasion of law, beneath the consecrated soil of "the old Westminster churchyard."*

By another strange perversion of legal principles, at this

* This story is related, in a different form, by the Hon. Daniel P. Thompson, in that most entertaining American historical novel, entitled "The Rangers; or, The Tory's Daughter," i. 99.

The author of this work has often heard the circumstances connected with the burial of Judge Chandler detailed by the old people who reside in the vicinity of the place where the event occurred. An account of the incident was published on the 9th of February, 1855, in the Vermont Republican, a newspaper printed at Brattleborough. The article in which it appeared, entitled "More about Westminster," was first printed in another Vermont newspaper, the Vergennes Independent. The writer of the article illustrated the superstitious views of the early settlers of Vermont by a more singular but less credible story, which is here given in his own words:—"There once obtained a custom, whether warranted by law this deponent saith not of holding even the dead body of a debtor liable to arrest. It is said that a case occurred in the town of Dummerston, within the memory of some now living, where a dead body was arrested on its way to the grave, and detained till some of the friends 'backed the writ,' and thus became surety for the debtor's appearance at court. As the return day of the writ was some time off, the defendant was in no condition to appear, and consequently 'lured his bail.' I must confess this sounds rather apocryphal. The case of poor Sheridan, who was arrested while in the agonies of death, is familiar to every literary man, but the arrest of a corpse seems too monstrous to be believed. Such an event, if it has occurred, would well deserve to be called an arrest on *mean* (mesne) process."

early period, certain people were led to believe, that whoever should marry a widow, who was administratrix upon the estate of her deceased husband, and should through her come in possession of anything that had been purchased by the deceased husband, would become administrator in his own wrong, and render himself liable to answer for the goods and estate of his predecessor. The method adopted to avoid this difficulty, in the marriage of Asa Averill of Westminster to his second wife, the widow of Major Peter Lovejoy, was very singular. By the side of the chimney in the widow's house was a recess of considerable size. Across this a blanket was stretched in such a manner as to form a small inclosure. Into this Mrs. Lovejoy passed with her attendants, who completely disrobed her, and threw her clothes into the room. She then thrust her hand through a small aperture purposely made in the blanket. The proffered member was clasped by Mr. Averill, and in this position he was married to the nude widow on the other side of the woollen curtain. He then produced a complete assortment of wedding attire which was slipped into the recess. The new Mrs. Averill soon after appeared in full dress, ready to receive the congratulations of the company, and join in their hearty rustic festivities. The marriage proved a happy one, their children by their former partners living in great harmony, not only with each other but with those also who were afterwards born to the new pair.*

Of the aboriginal inhabitants of that part of Vermont which borders the banks of the Connecticut, very little is known. The Iroquois Indians, whose hunting-ground comprehended the whole of the western portion of the state, seldom extended their wanderings across the mountains, and have left but few vestiges of their presence, even in the places which were most frequented by them. The country in the neighborhood of Lunenburg and Newbury, and on the side of the river opposite to the latter place, was called by the Indians, "Coos," which word, in the Abenaki language, is said to signify "The Pines." At these localities, and at other points on the upper Connecticut, formerly resided a branch of the Abenaki tribe. On the 8th of May, 1725, occurred a memorable fight at the lower village of Pigwacket, New Hampshire, which resulted

* MS. Letter of the Hon. William C. Bradley, dated March 16th, 1857

in the defeat, by Capt. John Lovewell and thirty-four men, of a large Indian force, commanded by the chiefs Paugus and Wahwa. After this event the "Coossucks," as the Indians were called who inhabited the Coos country, deserted their abodes, and removing to Canada became identified there with the tribe at St. Francis. Subsequent to the reduction of Canada by the English, in 1760, several Indian families returned to Coos, and remained there until they became extinct.*

The extent of the Indian settlements at Newbury has never been fully ascertained. The character of the country was such as would naturally suit the taste of those who depended upon hunting and fishing for support, for the woods were filled with bears, moose, deer, and game, while the Connecticut abounded in salmon, and the brooks were alive with trout. Of the evidences of savage life which have been found in this vicinity, the following account by a citizen† of Newbury may be relied on as correct. "On the high ground, east of the mouth of Cow Meadow brook, and south of the three large projecting rocks, were found many indications of an old and extensive Indian settlement. There were many domestic implements. Among the rest were a stone mortar and pestle. The pestle I have seen. Heads of arrows, large quantities of ashes, and the ground burnt over to a great extent, are some of the marks of a long residence there. The burnt ground and ashes were still visible the last time the place was ploughed. On the meadow, forty or fifty rods below, near the rocks in the river, was evidently a burying-ground. The remains of many of the sons of the forest are there deposited. Bones have frequently been turned up by the plough. That they were buried in the sitting posture, peculiar to the Indians, has been ascertained. When the first settlers came here, the remains of a fort were still visible on the Ox Bow, a dozen or twenty rods from the east end of Moses Johnson's lower garden, on the south side of the lane. The size of the fort was plain to be seen. Trees about as large as a man's thigh, were growing in the circumference of the old

* An account of a few of the Indians who inhabited the Coos country, during the latter part of the last and the earlier portion of the present century, is given in the "Historical Sketches of the Coos country" by the Rev. Grant Powers, pp. 178-189. Consult also Thompson's Vermont, Part II., pp. 205, 206.

† David Johnson, Esq., a son of the worthy Col. Thomas Johnson, whose name has already appeared in these pages. The extract given in the text is taken from Powers's Coos Country, pp. 39, 40.

fort. A profusion of white flint-stones and heads of arrows may yet be seen scattered over the ground.”*

The picture writing of the Indians, which is to be seen in two localities in Eastern Vermont, affords satisfactory evidence of the fact, that certain tribes were accustomed to frequent the Connecticut and the streams connected with it, even though they were not actual residents of the pleasant banks within which those waters are confined. At the foot of Bellows Falls, and on the west side of the channel of the Connecticut, are situated two rocks, on which are inscribed figures, the meaning of which it is difficult to determine. The larger rock presents a

group of variously ornamented heads. The surface which these heads occupy is about six feet in height and fifteen feet in breadth.

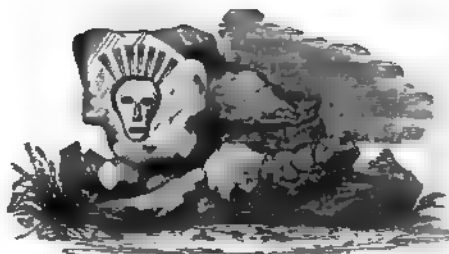
Prominent among the rest is the figure occupying nearly a central position in the group. From its head, which is supported by a neck and shoulders, six rays or feathers extend, which may be regarded as emblems of excellence or power. Four of the other heads are adorned each with a pair of similar projections.

On a separate rock, situated a short distance from the main group, a single head is sculptured, which is finished with rays or feathers, and was probably intended to designate an Indian chief. The length of

the head, exclusive of the rays, is fourteen inches, and its breadth across the forehead in its widest part is ten inches. These sculpturings seem to have been intended to commemorate some event in which a chief and a number of his



Indian Sculptures.



Indian Sculpture.

* This account was published in the year 1840.

tribe performed some noted exploit, or met with some sad disaster. The former supposition is undoubtedly the more correct. It is well known that the Indians were usually careful to conceal the traces of their misfortunes, and eager to publish the evidence of their successes.

The rocks are situated about eight rods south of the bridge for common travel, across the Falls. That on which the group is pictured is, during much of the time, under water. The other, which is further from the river, is not so much affected by the wash of the stream. Whenever a freshet occurs, both

are covered. An idea of the locality of these sculptures may be obtained from the accompanying engraving. The view presented is from a point between the two noted rocks, which are respectively designated by the letters A and B. A train on the Sullivan Railroad is seen passing up on the other side of the river. In



Locality of the Sculptures.

the back-ground rise the mountains of New Hampshire.*

On the south bank of the Wantastiquet or West river, in the

* In his "Travels through the Northern Parts of the United States, in the Years 1807 and 1808," Edward Augustus Kendall, Esq., referred to the sculptures at Bellows Falls, and endeavored by them to prove that the characters on the rock at Dighton, Massachusetts (or "the Writing Rock on Taunton River," as he designated it), were inscribed by the Indians. A few extracts from his work will show the pompous style in which he treated the subject. After describing Bellows Falls, then often called the Great Falls, he proceeded to his argument, in these words:—

"The entire basin of the cataract is of coarse granite, fractured into large masses. On the smooth and inclined face of one of these masses, situate on the south side of the bridge, and on the west side of the river, are the sculptures. These have a comparative insignificance when placed beside the Writing Rock on Taunton

town of Brattleborough, is situated the "Indian Rock." Its location is about one hundred rods west of the point of junction of the Wantastiquet and Connecticut rivers. It lies low, and

River. They consist in outlines of a variety of heads, some of which are human, and some belonging to animals. Unlike the sculptures of the Writing Rock, they are parts of no connected work, but are scattered over the face of the rock, in the most even and eligible places.

"It is to these sculptures, then, that I appeal, as to conclusive evidence of the Indian origin of the Writing Rock. They are too rude, too insignificant, and too evidently without depth of meaning to be attributed to Phoenicians or Carthaginians. No person will carry European vanity so far as to contend that there is anything here above the level of the Indian genius. But, if Indians were the authors of these sculptures, then Indians were the authors of the Writing Rock also. The style of the drawing is the same; the style of sculpture is the same; and it is for this reason that I add nothing now, to what I have already advanced, in regard to these particulars. All that requires any special notice is this, that the rock at the Great Falls, which is of an exceedingly coarse granite, must have been wrought with still more difficulty than the rock on Taunton River. These sculptures, so obviously the work of idle hours, and for the accomplishment of which the rudest artist, once provided with a tool, must be allowed to be competent, supply us with the fact, that the Indians were able to sculpture rocks, and that when they did sculpture them, the sculpture resembled the sculpture of the Writing Rock.

"In more than one of the heads sculptured at the Great Falls, we see an exact similitude to the heads sculptured on the Writing Rock, and particularly in the circumstances, that a single dot or hollow is made to serve both for nose and mouth; that no ears are given to the human heads; and that the crowns of the heads are bare. Thus, we ascertain that in the sculptures observed upon the Writing Rock, there is the strictest similitude, in workmanship and drawing, to those observed upon the rocks at the Great Falls. Thus, all questions are answered, except those that regard the nature of the tool by the edge of which the rocks have been wrought upon, and the occasions upon which the figures have been wrought.

"With respect to the nature of the tool, every difficulty would be dismissed by supposing that the sculptures were not wrought till after the introduction of iron by the Europeans: but, there appears to be good reason for thinking them more ancient, and we shall, therefore, in all probability, be compelled to believe, that the tool was of no better material than stone.

"One only question remains, upon which I shall venture to hazard any remark, and this respects the occasions upon which rocks have been sculptured by the Indians.

"In the first place, it is matter of notoriety that the Indians have always pursued the practice of representing, by delineation, carving, and, as we are now entitled to add, by sculpture, those objects and those events concerning which they either wished to make some instant communication, or to preserve some durable monument. In the second place, there can be little reason to doubt, that they sometimes exercised their skill, in all the arts now mentioned, for the mere purposes of pastime; and, in this view, it appears unnecessary to admit the doctrine, advanced by some persons in the neighborhood of the Great Falls, in regard to the sculptures there displayed, namely, that the heads wrought upon the rocks are the heads of men, women, children, and animals that have

during a part of the year is covered with water, or with sand and dirt, the deposit of the river. On first examining this



"Indian Rock."

rock, the figures on the upper part of it were alone visible. Just below them, the rock was covered with earth to the depth of six inches. The earth was removed, until a surface measuring ten feet in

width, and eight feet in height, was exposed. At the point where the workmen ceased digging, the rock was covered with three feet of earth. The whole surface of the rock, was, upon closer scrutiny, found to be covered with inscriptions. Among these the date 1755 was to be distinguished. The two figures in the upper corner of the engraving, and on a line with one another, are each about eight inches in height, and six inches across, measuring from the extremities of the lateral appendages. Of the ten figures here presented, six are supposed to designate birds, two bear a resemblance to snakes, one is not unlike a dog or a wolf, and one conveys no idea either of bird, beast, or reptile. The chiselling of these sculptures is deeper and more easily traced than that of the sculptures at Bellows

been drowned in the cataract—the Indians being used to commemorate by sculptures particular catastrophes of this kind. We may object to this, first, that there is no reason to believe in the occurrence of so many fatal accidents at this spot, as the number of heads must in such case attest; secondly, that the sculptures on these rocks are disposed with no solemnity or order, but are scattered in the most careless manner; and, thirdly, that it is highly probable that they were the work of idle hours spent among these rocks, at a place so favourable for fishing as the foot of a cataract, and therefore so much a place of resort.

"In this view, the sculptured rocks at the Great Falls will be a monument only of this, the ancient existence of a neighbouring population, and the ancient fisheries pursued here; while the Writing Rock, also found in a situation favourable for fishing, will be regarded, from the variety which it contains, and the apparent combinations and relations of parts which it betrays, as an elaborate monument of some transaction of which no other trace remains to elucidate this imperfect iconography."—iii. 205, 206, 207, 209–212.

Falls. Iconographic skill may detect the meaning of these configurations. The impression, which one unused to the study of hieroglyphics receives from an examination of them, is that they are the work of the Indians, and that they were carved by them merely for amusement, while watching at this spot for game, or while resting after the toils of the chase.*

Such are the most important memorials of the Indians which

* "On West River, a little above its mouth, are a few Indian sculptures, the last that I shall have to introduce to the reader's notice. 'A number of figures or inscriptions are yet to be seen upon the rocks at the mouth of this river, seeming to allude to the affairs of war among the Indians; but their rudeness and awkwardness denote that the formers of them were at a great remove from the knowledge of any alphabet.' By this account, written by a native topographer, and derived from a History of Vermont, my curiosity was long raised; but, upon visiting the rock intended to be referred to, I found only the most insignificant of all the Indian sculptures that I had met with. The historian, Dr. Williams, with whom I had afterwards the pleasure of conversing, and whose book discovers a spirit of inquiry, and contains many original views, informed me, that as to the sculptures on West River, he had rashly relied on the observations of other eyes than his own.

"These sculptures comprise only five figures of a diminutive size, and scratched, rather than sculptured, on the surface of a small mass of schistic rock, situate on the side of a cove in a meadow, above the mouth of the river. Of the five figures, four represent birds, and one is either that of a dog or of a wolf. I was informed that on a lower part of the rock adjacent, there was a sculptured snake, so exquisitely wrought as to have terrified, by its resemblance to nature, an honest countryman of the neighbourhood. The water, however, was at this time low, and neither myself, nor the gentleman who did me the favour to accompany me, was able to discover any snake; and, on closer inquiry, no sort of foundation could be found even for the story itself.

"The West River rock affords us, therefore, nothing, or next to nothing, in any view save one; and this is, the example of a disposition in the Indians to sculpture rocks, and to sculpture them even for amusement. The cove, which, it may be believed, was anciently overrun with wild rice (*zizania aquatica*), has always been a celebrated resort of wild ducks. It is at this day a favourite place for shooting them; and we may believe that the Indians were accustomed to spend many hours here watching either for water-fowl or for fish. Hence, the sculptures, both at the Great Falls and on West River, are to be attributed to the whim of vacant moments."—Kendall's Travels, iii. 219, 220, 221.

In the work from which the above extracts are taken, Mr. Kendall gives a very particular description of certain figures, said to be cut by the Indians on the trunk of a pine tree in Weathersfield. These carvings, according to Mr. Kendall, were designed to commemorate the birth of a child, whose mother was taken prisoner at the burning of Deerfield in the year 1704. The foundation of this incorrect statement is, doubtless, the stones still standing on the north bank of Knapp's brook, in the town of Reading, which were erected to commemorate the birth of Captive Johnson, which event took place on the 31st of August, 1754. All inquiries concerning this monumental tree have proved fruitless. The oldest inhabitants of Weathersfield have never known of its existence. It is probable, therefore, that Mr. Kendall's accurate description of the appearance and form of

are to be found in Eastern Vermont. Regarded as specimens of the rude and uncultivated attempts of a now decaying race to express their ideas, however unimportant those ideas may have been, they cannot but be viewed with mingled emotions of curiosity and respect.

the carvings with which he has adorned it, was due either to an imposition practised upon him, or to his fondness for mythical conceptions.—Kendall's Travels, iii. 207-210, 212. Also *ante*, pp. 65, 66.

BIOGRAPHICAL CHAPTER.

STEPHEN BOW BRADLEY.



Stephen B. Bradley

THE brothers Bradley, six or seven in number, came to this country from England about the year 1650, having previously served among Cromwell's Ironsides, in which corps William

Bradley, the first settler of North Haven, Connecticut, and one of the brothers, was an officer.* Stephen Bradley, another of the brothers, became a resident of New Haven, where he labored at his calling, which was that of a silversmith. On the behavior of the Protector's troops when disbanded, Macaulay has passed the highest encomium. "Fifty thousand men, accustomed to the profession of arms, were at once thrown on the world: and experience seemed to warrant the belief that this change would produce much misery and crime, that the discharged veterans would be seen begging in every street, or that they would be driven by hunger to pillage. But no such result followed. In a few months there remained not a trace indicating that the most formidable army in the world had just been absorbed into the mass of the community. The Royalists themselves confessed that, in every department of honest industry, the discarded warriors prospered beyond other men, that none was charged with any theft or robbery, that none was heard to ask an alms, and that, if a baker, a mason, or a waggoner attracted notice by his diligence and sobriety, he was in all probability one of Oliver's old soldiers." Wholly consonant with this description of the scarred and war-worn veterans of the Protectorate was the conduct of the Bradleys.

Moses Bradley of Cheshire, Connecticut, the second son of Stephen, married Mary Row, only daughter and heiress of Daniel Row of Mount Carmel, now Hamden. Their son, Stephen Row Bradley,† the subject of this notice, was born in that part of Wallingford which is now comprised in the town of Cheshire, on the 20th of February, 1754. Having entered Yale College, he was graduated at that institution a Bachelor of Arts on the 25th of July, 1775. Three years later, on the 9th of September, 1778, he received from his Alma Mater the degree of M. A. Of his early tastes, some idea may be formed from the fact, that, while a student in college, he prepared an almanac for the year 1775, an edition of which, numbering two

* "The first settler in North Haven appears to have been William Bradley, who had been an officer in Cromwell's army. He lived here soon after the year 1650, on the land belonging to Governor Eaton, who owned a large tract on the west side of the [Wallingford or Quinnipiac] river."—Barber's Conn. Hist. Coll., p. 241.

† Whenever Mr. Bradley wrote his name at full length, which was but seldom, he, until past middle life, put it down "Stephen Row Bradley." It was so spelt in the record of his baptism in Wallingford, and also on the title-page of an almanac which he published in 1775. "Rowe" and "Roe" are the other forms in which the middle name sometimes appears.

thousand copies, was published by Ebenezer Watson of Hartford, printer, on the 1st of November, 1774.

Soon after graduating he entered the American service, and as early as the 4th of January, 1776, was captain of a company called the "Cheshire Volunteers." During that month he was ordered to march his men to New York, and his pay rolls, which were presented to Congress on the 26th of June, 1776, show that he and his company were employed in the continental service from January 25th to February 25th of that year. It would appear that he soon after relinquished the captaincy of this company. On the 17th of December, 1776, with the rank of adjutant, he was appointed to the stations of vendue master and quarter master. He afterwards served as aid-de-camp to General David Wooster, and was engaged in that capacity when that noble officer fell mortally wounded on the 27th of April, 1777, during the attack on Danbury. In 1778 Bradley was employed as a commissary, and during the summer of 1779 served as a major at New Haven. The time which he could spare from military avocations was occupied in more peaceful pursuits. It appears from a letter written by Richard Sill, dated January 27th, 1778, that Bradley was at that time teaching a school at Cheshire. His law studies, in the meantime, were directed by Tapping Reeve, afterwards the founder of the Litchfield law school. The precise date of his removal to Vermont is not known. It is probable that even after his removal he not unfrequently visited Connecticut, until he resigned his place in the militia of that state.

His first appearance in public, in Vermont, was at an adjourned session of the Superior court, held at Westminster on the 26th of May, 1779. On this occasion he was commissioned as an attorney-at-law, and received a license to plead at the bar within that "independent" state. At the same time he was appointed clerk of the court. His knowledge of the law and the ability which he displayed in the practice of his profession, raised him at once to a high position in the estimation of the community. On the 16th of June, 1780, he was made state's attorney for the county of Cumberland. At this period the controversy respecting the title of the New Hampshire Grants was attracting the attention, not only of the states which laid claim to that district, but of Congress. "Having popular manners, and a keen insight into society, he became a prominent political leader, and exercised a large influence in laying the foundation of the state

of Vermont, then the Texas of this country. Ethan Allen, Ira Allen, Seth Warner, and Thomas Chittenden, all from Connecticut, being the Austins and Houstons of its early history." On the 24th of September, 1779, Congress, by an act, resolved to adjudicate upon the claims of Massachusetts Bay, New Hampshire, and New York, on the 1st of February, 1780. To Mr. Bradley was assigned the task of presenting, for the consideration of Congress, the views held by Vermont on this important question.

With but little knowledge, at the time, of the extent of the subject, the young lawyer commenced his investigations, and in less than two months, had completed a faithful and well-written account of the state of the controversy. This was read before the Council of Vermont, at Arlington, on the 10th of December, 1779, and, having been approved of by them, was ordered to be published. It appeared early in the year 1780, under the title of "Vermont's Appeal to the Candid and Impartial World," and aided essentially in supporting the claims of Vermont to a separate and independent government. It was written with vigor, and did not want those flowers of rhetoric which adorn, and, not unfrequently, strengthen argument. Few copies of this production are now extant, but among those pamphlets written at this period upon the controversy, "Vermont's Appeal" stands pre-eminent, not only on account of the force with which it is composed, but also by reason of the manner in which the topics of which it treats are presented. It was laid before Congress early in February, 1780, by its author, who had been previously selected to advocate the claims of Vermont at Philadelphia. Copies of the publication were also presented to many of the members, but no opportunity was granted to Mr. Bradley to appear in person before a committee of Congress, in consequence of the postponement of the consideration of the controversy question. In the month of September following, Mr. Bradley again visited Philadelphia, as a commissioner in behalf of Vermont. At the end of two weeks, he and his colleague, Ira Allen, became convinced that Congress were determined to decide upon the controversy without considering Vermont as a party, and deemed it their duty to withdraw. Before leaving, they presented a remonstrance to Congress, dated the 22d of September, 1780, in which they set forth their views with reference to the course which had been adopted towards Vermont, and deprecated the

policy which would divide that state between New Hampshire and New York, or annex it to the latter.

Owing to his thorough acquaintance with the views entertained by a majority of the people of Vermont, on the merits of the controversy question, the counsels of Mr. Bradley were highly esteemed and readily followed, on all occasions. An examination of his papers affords conclusive evidence, that at this period, and for many years after, he was, in many respects, the ablest man in the state. Nor did his qualifications for military service escape the observation of the citizens of his adopted state. By commission, dated August 27th, 1781, he was appointed a lieutenant in the first regiment of the Vermont militia; and on the 15th of October, in the same year, was raised to the rank of colonel. During the troubles which disturbed the peace of the southern part of Windham county, Colonel Bradley was indefatigable in his endeavors to restore order, and seldom failed to accomplish his purpose. The resignation of his colonelcy was accepted on the 2d of March, 1787, and for four years he does not appear to have engaged at all in military avocations. A curious letter, written to him by William Page, of Charlestown, New Hampshire, dated May 1st, 1789, is still preserved, in which some allusions are made to the measures which were adopted to subdue the supporters of New York residing at Guilford, and in that neighborhood. "You doubtless remember," the writer observed, "of once calling on me for a sword. You then was in pursuit of honor and cash. I think you desired to cut, slay, and destroy the Yorkers. Having accomplished all this, and having not only changed your manner and mode of attack, but your weapon also, you will please send to me the sword by the bearer, for, as all other weapons fail me, it is time to take the sword." The military career of Colonel Bradley did not, however, end here, for he was appointed brigadier general of the eighth brigade of the militia of the state, by a commission dated January 26th, 1791.

Of the offices held by Mr. Bradley, the following list embraces a partial account. In 1782, he was a select man of Westminster, and served as clerk of that town from October 6th, 1787, to October 9th, 1788. He was register of probate for Windham county from December, 1781, to March, 1791, and, on the 21st of February, 1783, was appointed a judge of the court of the county, in the place of Samuel Fletcher, who had refused to serve. From October, 1788, to October, 1789, he sat as a side-

judge in the Supreme court of the state, and was admitted to practice in the Circuit court of the United States on the 12th of May, 1793. He represented the town of Westminster in the Assembly of the state, at the sessions in 1780, 1781, 1784, 1785, 1788, 1790, and 1800, and was elected speaker of the House at the session in 1785. He was a member of the state constitutional convention in 1791, and was elected to the Council in September, 1798. When, in the year 1789, it became evident that Vermont would soon be admitted into the Union as a separate state, commissioners were appointed on the 23d of October, for the purpose of ascertaining and establishing the line between New York and Vermont. Of the number was Mr. Bradley. In addition to the civil and military appointments with which he was honored, he also received marks of esteem from Dartmouth and Middlebury colleges. The honorary degrees of M.A. and LL.D. were conferred upon him by the former institution. He was appointed a fellow of Middlebury college in the act incorporating that seminary of learning, passed on the 1st of November, 1800, and held that position until the time of his death.

After the completion of the Federal Union by the admission of Vermont in 1791, Moses Robinson and Stephen R. Bradley were, on the 17th of October, in that year, chosen the first United States senators from that state. The former took his seat on the 31st of the same month; the latter on the 7th of November following. On drawing lots for the purpose of determining to which of the three classes each belonged, Mr. Bradley drew first, and fell to "the class whose seats would be vacated at the expiration of four years from March, 1791." Mr. Robinson drew the longest term, and, of course, fell to the class whose seats were to be vacated in six years from March, 1791. Elijah Paine was chosen to succeed Mr. Bradley in 1795. At the expiration of Mr. Paine's term in 1801, he was elected for another six years, but having declined the position, Mr. Bradley was elected to fill the vacancy, which was a term of six years from the 4th of March, 1801. During the greater part of the session of 1802-3, he filled with dignity the position of president, *pro tempore*, of the Senate. On the 4th of March, 1807, he commenced another term of six years as senator, and in 1808 was again elected temporary president of the distinguished body to which he belonged.

In politics, Mr. Bradley was a Republican of the school of

Jefferson, from whom he received many marks of personal esteem. Desirous of securing a democratic succession in the presidency of the United States, Mr. Bradley endeavored to consummate the nomination of Madison at the close of Jefferson's second term. For this purpose, he issued a call for a caucus, of which the following is a copy :—

“SIR :

“In pursuance of the powers vested in me, as president of the late convention of republican members of both houses of congress, I deem it expedient, for the purpose of nominating suitable and proper characters for president and vice-president of the United States at the next presidential election, to call a convention of said republican members, to meet at the senate-chamber on Saturday, the 23d inst., at six o'clock P.M., at which time and place your personal attendance is requested, to aid the meeting with your influence, information, and talents.

“S. R. BRADLEY.

“Dated at Washington,
“19th January, 1808.”

This circular, so mandatory in style, was indignantly denounced by many, as a usurpation of power. A large portion of the members refused to attend, unwilling, as was remarked, “to countenance, by their presence, the *midnight intrigues* of any set of men who may arrogate to themselves the right (which belongs only to the people) of selecting proper persons to fill the important offices of president and vice-president.” The meeting was attended, however, by ninety-four members from both houses. Of this number, only one member was from the state of New York. Mr. Madison was nominated with apparent unanimity, though Mr. Monroe had been supported previous to the caucus by a strong party of men, among whom were some who were unfriendly to the policy of Jefferson.

The war of 1812, which was, in the main, a democratic measure, was not supported by all the members of that party. President Madison, it was supposed, was persuaded to engage in it, only in order to secure a second election. Randolph “openly and strenuously opposed it from the beginning to the end,” and Mr. Bradley, who was at that time the ablest democratic senator from New England, “earnestly counselled Madison against it.” So dissatisfied did Mr. Bradley become with

the national policy of this period, that, on the 4th of March, 1813, at the close of his congressional labors, he withdrew altogether from public life, determined, since he was unable to prevent a needless war, not to continue in any position, where he would be subjected to the calumnies and odium of a majority from whom he dissented.

In a previous chapter* may be found an account of a trial which took place at Westminster, on the 27th of May, 1779. On this occasion, Noah Smith filled the office of state's attorney, and Mr. Bradley acted as counsel for the defendants. In the midst of the trial, Ethan Allen appeared in court, accoutred in military dress, as has been detailed in the account referred to. After Smith had finished his argument, in the course of which he had made several quotations from Blackstone's Commentaries, Allen, who thought that the state's attorney was manifesting too great leniency towards some of the prisoners, arose, and told the jury that, in the observations he was about to make, he should not deal in quibbles. Then, turning to Smith, he said:—"I would have the young gentleman to know, that with my logic and reasoning, from the eternal fitness of things, I can upset his blackstones, his whitestones, his gravestones, and his brimstones." Here he was interrupted by the chief-justice, Moses Robinson, and was gravely informed that it was not allowable for him to appear in a civil court with his sword by his side. Upon this, Allen, nettled by the interruption, unslung his weapon, and bringing it down on the bar table with a force which made the house ring, exclaimed,

"For forms of government, let fools contest;
Whate'er is best administer'd, is best."

Having delivered himself in this style, he was about to resume his remarks, when, observing that the judges were whispering together, he listened for a moment, and then cried out:—"I said that *fools* might contest for forms of government—not your Honours! not your Honours!" It is presumed that the apology was satisfactory, for Allen was permitted to finish his address, as previously narrated, after which the trial proceeded without further check.

On retiring from public life, Mr. Bradley returned to Westminster, where he resided until the year 1818. He then re-

* See ante, pp. 342, 343.

moved to the neighboring village of Walpole, New Hampshire, "where he lived in ease, independence, and honour, until he took his willing, and not painful deparature, with the cheerful expression of a mind at peace with itself, with the world, and with heaven." His death occurred on the evening of Thursday, December 9th, 1830.

In his "Descriptive Sketch" of Vermont, published in 1797, Dr. John Andrew Graham has referred to Mr. Bradley, as he then knew him, in these words:—"Mr. Bradley is a lawyer of distinguished abilities, and a good orator. He has held some of the most important offices of the state, and was late a senator in Congress. Few men have more companionable talents, a greater share of social cheerfulness, a more inexhaustible flow of wit, or a larger portion of unaffected urbanity." The Hon. S. G. Goodrich, known the world over as "Peter Parley," who, in the year 1818, married the daughter of Mr. Bradley, has, in his late work entitled "Recollections of a Lifetime," noted some of the prominent characteristics of the influential senator. "He was distinguished for political sagacity, a ready wit, boundless stores of anecdote, a large acquaintance with mankind, and an extensive range of historical knowledge. His conversation was exceedingly attractive, being always illustrated by pertinent anecdotes and apt historical references. His developments of the interior machinery of parties, during the times of Washington, Jefferson, and Madison; his portraitures of the political leaders of these interesting eras in our history—all freely communicated at a period when he had retired from the active arena of politics, and now looked back upon them with the feelings of a philosopher—were in the highest degree interesting and instructive."

His son, the Hon. William C. Bradley, who was born on the 23d of March, 1782, still survives, at Westminster, in a green old age. He has filled many stations of honor in the service of his country, and while on the floor of Congress enjoyed, in a peculiar manner, the personal and political esteem of Henry Clay and other distinguished statesmen. The assistance which Mr. Bradley has on all occasions most cheerfully afforded, in the preparation of this work, has contributed materially to its correctness, and has enabled the author to present many facts which otherwise would have remained unrecorded.*

* Macaulay's Hist. Eng., vol. i. chap. ii. Hollister's Hist. Conn., ii. 628. Bel-

PAUL BRIGHAM.



DURING the revolution-
ary war, this gentleman
served as a captain, and
was stationed, a part of
the time, at Coventry,

Connecticut. After his removal to Vermont, he attained to the rank of a major-general of militia. He was highly respected by all who knew him, and discharged the duties of the various offices which he was called to fill to the satisfaction of his constituents and with honor to himself. By the citizens of Norwich, the town in which he resided, he was esteemed for those traits of character which mark the just man and the kind neighbor. He was an assistant justice of the court of Windsor county from 1783 to 1786, and from 1790 to 1795; and was chief justice of the same in 1801. He held the office of judge of probate in 1800; and was high sheriff of the county from 1787 to 1789. He represented the inhabitants of Norwich in the General Assembly during the sessions of 1788, 1786, and 1791; was a member of the Council from 1792 to 1796; and sat in the state constitutional conventions of 1793, 1814, and 1822 as the delegate from Norwich. Having been elected lieutenant-governor of the state in 1796, he was from that time annually returned to the same office, the years 1813 and 1814 excepted, until 1820, when, "admonished by the infirmities of age," he refused longer to be a candidate for that station. While serving in this capacity, the gubernatorial chair was occupied at different times by Thomas Chittenden, Isaac Tichenor, Israel Smith, and Jonas Galusha. From Dartmouth college he received the honorary degree of M.A., in 1806. His death occurred at Norwich on the 15th of July, 1824, in the 79th year of his age.*

Iowa Falls Intelligencer, December 18th, 1880. North Star, Danville, Vt., December 28th, 1880. Triennial Catalogues of Yale, Dartmouth, and Middlebury colleges. Acts and Laws of Vt., 1800, pp. 36-40. Journals Am. Cong., ed. 1823, i. 388. Journals U. S. Senate, 1791, p. 25. Slade's Vt. State Papers, pp. 114, 116, 122-126. Kendall's Travels, i. 177. Deming's Catalogue of Vt. Officers, *passim*. Graham's Descriptive Sketch of Vt., pp. 110, 111. Goodrich's Recollections of a Lifetime, i. 448, 449; ii. 99, 100. Young's American Statesman, pp. 341, 342. Various MSS. Documents, Letters, etc.

* Thompson's Vt., Part III., p. 130. Williams's Hist. Vt., ed. 2d., i. 91, 92. Triennial Catalogue of Dart. Col. Deming's Catalogue of Vt. Officers, *passim*.

CREAN BRUSH.



Crean Brush

THE subject of this notice was born in Dublin, Ireland, about the year 1725, and was educated to the profession of the law. While at home, he bore some military commission, as the style of dress indicated by his portrait—which is still extant, and which was painted before he removed to this country—evinces. Of his military rank, except that he was familiarly called “Colonel,” and of the time and occasion of his service, nothing is

known. At the age of thirty or thirty-one, he married a Miss Cushing, a resident of the city where he dwelt. By her he had one child, Elizabeth Martha, who was born probably in the year 1758. The mother did not long survive the birth of her daughter, and Mr. Brush being left a widower, placed the little infant in the care of some of his relatives, and came to America a short time previous to, or during, the year 1762. Having settled in New York city, he there married Margaret Montuzan, a widow lady, and by her former marriage the mother of a daughter named Frances.* He early obtained employment in the office of the secretary of the province of New York, and for several years held the post of assistant under the deputy secretary, Goldsbrow Banyar. In the year 1764, on the 27th of January, he received from Lieut.-Gov. Cadwallader Colden a license to practise as an attorney at law, "in all his Majesty's Courts of Record," within the province. It is probable that his law partner was John Kelly, an Irishman of ability and standing. Mr. Brush removed to Westminster during the year 1771, and on the 25th of February, 1772, was appointed clerk of Cumberland county,† *vice* John Chandler, removed. He was made surrogate of the county on the 14th of the following April, and at the same time, he and two others received a commission to administer oaths to all officers, both civil and military, within their jurisdiction.‡

On becoming a resident of Westminster, Mr. Brush was feasted by the inhabitants from house to house. The display which he affected in his dress, contrasted strongly with the simple garb of the villagers, and for some time pomp and pa-

* There is a tradition that Brush was not legally married to his second wife. The story goes, that she, in her maiden days, had been much admired by Brush, who had paid her his addresses, but without success. She married, in preference, a colonel in the British service, who was the father of her child Frances. He was killed in the old French war, or in some of the battles immediately subsequent to the year 1755. The widow and the widower having met, they agreed to live together as husband and wife, and did so, but the connection was not lawfully established. Resort was had to this alliance in order that Mrs. Brush might be enabled to draw the pension due her as the widow of an officer, which right she forfeited in the event of a second marriage.

† He resigned the clerkship on the 7th of March, 1774, and was succeeded by Samuel Gale, who married the daughter of Samuel Wells of Brattleborough. In the Connecticut Courant of April 10th, 1775, is the list of the members of the last Colonial Assembly of New York. The name of Brush is given with these remarks:—"A native of Ireland, practising the law in Cumberland county, who sold the clerkship of the county to Judge Wells's son-in-law."

‡ This commission was renewed on the 18th of February, 1774.

rade availed to conceal the defects of character. But as vulgarity of mind became apparent, and novelty of appearance ceased to attract attention, Mr. Brush found, in spite of his boasted attainments as a man of large information, and his pretensions to gentility, that his only friends were a few high-toned and arrogant loyalists. Notwithstanding the prevalence of such sentiments as these in the minds of the people of Westminster, Mr. Brush wielded an extensive political influence in the county, on account of his intimate connection with many of the principal government officers. The house in which he lived was situated north of the meeting-house, and was the only building in the town whose four sides faced the cardinal points. It was originally built for the Rev. Mr. Goodell, supposed to be the first minister of the town. It was subsequently owned by a citizen of Walpole, New Hampshire, who sold it to Mr. Brush. In later years it became the residence of Dr. Elkanah Day. One of the reasons which induced Mr. Brush to settle in this quiet village, was the opportunity which was thereby afforded him, to sell his lands, which were scattered throughout the northern parts of New York and the interior portions of the New Hampshire Grants, and included many broad acres along the banks of the Connecticut, in the town and neighborhood of Westminster. He also hoped to rise in political distinction, an end which he could not accomplish among the learned and aristocratic in the more southern towns of New York. His business, on account of his knowledge of legal forms, was multifarious, and to assist him in it, he kept a clerk, Abraham Mills by name, who, as far as disagreeable traits of character were concerned, was a copy in miniature of his master.

In answer to a petition signed by the inhabitants of Cumberland county, permission was given them by the Governor and Council of New York, to elect two representatives to the General Assembly of that province. The order confirming this permission was promulged on the 23d of December, 1772, and at an election subsequently held, Samuel Wells of Brattleborough and Crean Brush of Westminster were returned as representatives. On the 2d of February, 1773, they presented their credentials to the General Assembly, and were admitted to seats "at the table" of legislation. Brush although in a great measure devoid of principle, possessed many of the qualifications essential to the character of a successful partizan politician, and he soon became noted for his advocacy of all ministerial mea-

tures, and for his hatred of every attempt at reform. Fluency of speech and a spirited style of oratory, enabled him to give expression to his opinions in a manner which attracted attention. By these means he obtained an influence, which he never failed to exert in behalf of his party. In the controversy between New Hampshire and New York respecting the New Hampshire Grants, he evinced a deep interest, and was well prepared by knowledge obtained while in the office of the secretary of state to present the question in an accurate and reliable form.

In answer to a petition from Col. John Maunsell and others, "interested in lands to the westward of Connecticut river," praying that the General Assembly would adopt measures to prevent "the success of the solicitations and interposition of the government of New Hampshire, in prejudice of the ancient limits" of New York, the House on the 17th of February, 1773, having resolved itself into a "grand committee on grievances," declared that the eastern limits of the colony, both by the royal grants to the Duke of York and by the orders in privy council of July 20th, 1764, were the western banks of Connecticut river. For the purpose of presenting the subject in a tangible form, they appointed Col. Philip Schuyler, John De Noyellis, and Crean Brush a committee to draft a representation of the rights of the colony of New York to the lands in question. This representation, when agreed to by the House, was to be transmitted to the agent of the colony, to enable him to maintain the claim at the court of Great Britain. On Saturday, the 6th of March following, Mr. Brush gave in the report of the committee, which was adopted on Monday the 8th, and entered on the journals. It was entitled "A state of the right of the colony of New York, with respect to its eastern boundary on Connecticut river, so far as concerns the late encroachments under the government of New Hampshire."

This document was subsequently printed in the form of a folio pamphlet, and, with others of a similar character, was placed in the hands of all the leading men engaged in the controversy. It was prepared mainly by the Hon. James Duane, and presented an able argument in support of the rights of New York. Although it had been hoped that the reasons brought forward in the representation would have a tendency to restrain the people residing on the "Grants," who favored the jurisdiction of New Hampshire, from indulging in acts of

violence against the settlers under New York, yet evils of this nature seemed rather to increase than diminish. On the 1st of February, 1774, Benjamin Hough, a magistrate by appointment from New York, presented a petition to the General Assembly of the province, asking, in behalf of himself and others, to be protected from the "outrageous cruelty" of the "Bennington mob." The subject was considered in "the grand committee on grievances," and a report therefrom was presented to the House on the 5th, by Mr. Brush, in behalf of the chairman, Mr. Clinton, recommending that body to request the Governor to issue his proclamation, offering a reward of £50 each for the apprehension of Ethan Allen and seven of his compatriots, and counselling the House to bring in a bill to suppress "riotous and disorderly proceedings." Mr. Brush and Colonel Ten Broeck were appointed to prepare the bill, and on the 9th the result of their labors was laid before the house, and was soon after passed into a law. The Governor's proclamation was issued on the 9th of March, and a reward of £100 each was offered for the apprehension of Ethan Allen and Remember Baker, and of £50 each for the apprehension of six of the other ringleaders.

The influence which Mr Brush possessed in the House was neither feeble nor unfrequently exercised. On the night of the 29th of December, 1773, the mansion of Governor Tryon was destroyed by fire. This calamity was referred to by the Governor, in his speech to the Assembly, on the 12th of January, 1774. A few days later a motion was offered by Mr. Brush, in these words: "I move that the House do resolve, that there be allowed unto his Excellency the Governor, the sum of £5,000, as a token of the deep concern of this House for the damage he sustained by the late dreadful fire, towards a compensation, in some measure, of his great losses; and as a public testimonial of that high respect and esteem they bear to his person and family." This proposition elicited much debate, and, though strenuously opposed, was passed by a majority of two, fourteen members voting for and twelve against it. Soon after these occurrences, the Governor made known his intention of departing for England. The announcement was published to the house on the 8th of March, and Messrs. Wilkins, Jauncey, and Brush were appointed to draft an address to his Excellency, "expressing the high sense they entertain of the great and extensive benefit derived to the colony from the up-

rightness, justice, and impartiality of his administration; the deep concern they feel on his departure; their ardent desire of his speedy return; their affectionate wishes for the welfare and happiness of his Excellency and his family; and their firm reliance that he will represent to their most gracious Sovereign, the unshaken loyalty of this his faithful colony, and their steady and zealous attachment to his sacred person and government." With true Irish spirit, Mr. Brush in the address which he drew, embodied in the most fulsome language the ideas contained in the above resolution, and on the 20th of March the eulogistic document was placed in the hands of the man who afterwards became notorious, as the sacker of peaceful villages, and the murderer of unoffending women and helpless children.

Bitterly opposed to every measure designed to introduce a more faithful administration of the government, Mr. Brush now directed his efforts to stem the torrent which was soon to break down the barriers of tyrannical oppression. On the 23d of February, 1775, he delivered a set-speech against the proposition of Mr. Thomas, to elect delegates to the second Continental Congress. Being charged "with using expressions which threw indecent reflections both on the conduct of the gentlemen of the opposition and on the proceedings of the last Congress," Mr. Brush caused his speech to be printed and published, that the public might be able to form an opinion as to the justice of the charges. He was answered by Messrs. Clinton and Schuyler, who, with Colonel Woodhull, were the leading patriots in the house. The debate was significant of the spirit of the times, and served to show how widely at variance were the opinions of those who, as representatives of the people, were assembled to legislate for the welfare of the colony. On the same day, Mr. Brush presented the report of the committee, who, in pursuance of Mr. De Lancey's motion, made on the 31st of January, had been appointed "to prepare a state of the grievances" of the colony. On the 9th of March, he was chosen, with Colonel Seaman and Mr. Gale, to prepare the draft of a memorial to the House of Lords. The report, which he presented on the 16th, as chairman of the committee, was subjected to many alterations and amendments. With the other memorials which had been prepared for the King and the Commons, it was adopted on the 25th. These addresses were in every respect, "tame, ridiculous, and very loyal," but the House was ruled by a Tory majority, who strove in every

way to adopt such measures, as would be most likely to advance the interests of their own party, and it was by their votes that every vigorous effort of the minority was emasculated, and made to do service in behalf of oppression.

Mr. Brush's name appears with prominence on one other occasion, in the records of the Colonial Assembly. As soon as the news of the "Westminster Massacre" reached New York, the messengers who had brought the information were examined, and their depositions were laid before Lieut.-Gov. Colden. His message, delivered on the 23d of March, recommended immediate action. The subject was brought up for consideration on the 30th. Ever ready to gain power by a bold act, Mr. Brush moved that the sum of £1,000 be "granted to his Majesty to be applied to enable the inhabitants of the county of Cumberland to reinstate and maintain the due administration of justice in the said county, and for the suppression of riots therein." The motion prevailed in this form, and the treasurer of the colony was ordered to disburse the amount named, on warrants issued by the proper authorities. With the adjournment of the Assembly on the 3d of April, ended Mr. Brush's career as a legislator. His ability as an orator was acknowledged even by his foes, and his speeches were generally prepared with care and skill. As a writer, he is referred to in Trumbull's *MacFingal*, in the following verses:—

" Had I the Poet's brazen lungs,
As sound-board to his hundred tongues,
I could not half the scribblers muster
That swarmed round Rivington in cluster;
Assemblies, councilmen, forsooth;
Brush, Cooper, Wilkins, Chandler, Booth;
Yet all their arguments and sap'ence
You did not value at three half-pence."^{*}

During the summer which followed the commencement of hostilities in the colonies, Mr. Brush probably remained in the city of New York, working as best he might for the good of the King. In the fall he repaired to Boston, then occupied by the British, and offered his services to General Gage. These were accepted, and he was soon after engaged in an employment which gave him a temporary power, which he did not fail to

^{*} American Archives, Fourth Series, vol. i. cols. 1288, 1290–1294, 1303, 1307, 1316–1318, 1322. Journals Col. Ass. N. Y. Doc. Hist. N. Y., iv. 1025. Dunlap's N. Y., i. 450, 451. Trumbull's *MacFingal*, Boston ed., 1799, canto i. p. 28.

exercise. General Gage, though he favored the occupation of New York, "regarded the evacuation of Boston as a measure of too much danger, and difficulty, and importance," to be taken without the sanction of government. Having determined to winter his army in the latter place, he, in the last of September, 1775, "commenced preparations to quarter it in the houses of the inhabitants." "In consequence of this determination, it was necessary to remove the furniture from the buildings that would be required." This business was entrusted to Crean Brush, who was armed with a commission vesting him with authority to receive and protect such personal property as should be entrusted to his care.*

The issue of this commission was one of the last official acts of General Gage in Boston. Already had he received orders to repair to England. In obedience to these orders he sailed on the 10th of October, and on the same day General Howe suc-

* The following is a copy of the commission referred to in the text:

"By His Excellency The Honorable Thomas Gage, Captain-General and Governor-in-Chief in and over His Majesty's Province of Massachusetts Bay, and Vice-Admiral of the same, General and Commander-in-Chief of all His Majesty's Forces in North America, &c., &c., &c.

"To CREAN BRUSH, Esquire:—

"Whereas, there are large quantities of Goods, Wares, and Merchandize, Chattles and Effects of considerable value left in the Town of Boston by Persons who have thought proper to depart therefrom, which are lodged in dwelling Houses, and in Shops and Storehouses adjoining to or making part of Dwelling Houses:

"And Whereas, there is great reason to apprehend, and the Inhabitants have expressed some fears concerning the safety of such goods, especially as great part of the Houses will necessarily be Occupied by His Majesty's Troops and the followers of the Army, as Barracks during the Winter Season; To quiet the fears of the Inhabitants, and more especially to take all due care for the preservation of such Goods, Wares, and Merchandize: I have thought fit and do hereby Authorize and appoint you the said Crean Brush to take and receive into your Care, all such Goods, Chattles, and Effects as may be voluntarily delivered into your Charge by the owners of such Goods, or the Person or Persons whose care they may be left in, on your giving Receipts for the same; and you are to take all due care thereof, and to deliver said Goods, when called upon, to those to whom you shall have given Receipts for the same. For all which Services you are to Receive Ten Shillings Sterling per Day. Given under my Hand and Seal at Head-Quarters in Boston the First day of October, One Thousand Seven Hundred and Seventy Five, in the Fifteenth Year of the Reign of Our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France, and Ireland King; Defender of the Faith, and so forth.

THOS. GAGE.

"By his Excellency's Command,
"SAM. KEMBLE."

ceeded him in the command of the troops. Meantime, Brush, although busied among the

——“parritch-pats and auld saut-buckets”

which the good wives of Boston had left behind them, still found time to evince his loyalty in other ways. He, in common with the army of General Howe, felt secure in his present position, and was almost certain of the ultimate success of the British forces. Owing in part to this confidence, and in part to a desire of reducing the inhabitants of the New Hampshire Grants to submission, in which district he owned several thousand acres of land, he drew up a memorial in which he offered his services to raise a body of men to be employed in the service of the King. This memorial was found among his papers, when a few months later he was taken prisoner. It was addressed to General Gage. The intention of its author, doubtless, was to transmit it to England, trusting to Gage's influence with the Ministry for a favorable answer to the propositions therein advanced. The supposition that it ever reached the eyes of him for whom it was intended is baseless. As to the memorialist, the designs by which he had hoped to advance the interests of the Crown, and gratify his own avarice and ambition, were defeated by a change in his own circumstances which was as humiliating as it was unexpected.*

* For the purpose of showing the loyalty of Mr. Brush's disposition, a copy of the memorial is here annexed:—

“To His Excellency The Honorable Thomas Gage, Lieutenant-General of His Majesty's Forces, &c., &c., &c.

“The memorial of Crean Brush of the Province of New York, Esquire,

“Most Respectfully sheweth—

“That your Memorialist hath in several Civil Departments zealously exerted himself in supporting the Constitution and Authority of Parliament over all His Majesty's Dominions, but the unwearied assiduity of an artful, ambitious Confederacy having prevailed, and the People pursuing the Arbitrary Dictates of such Confederates—having shook off their allegiance to the best of Kings, and their Obedience to Lawful Authority, with Ingratitude unparalleled burst forth into open Rebellion, making their final Appeal to Arms and rest their Fate on the decision of the Sword alone, whereby every Bond of Society is Dissolved, and all Persons precluded from supporting His Majesty's Government in a Civil Capacity.

“Your Memorialist, therefore, to Manifest his Zeal for His Majesty's Person and Government, in the present Exigence, begs leave to propose to your Excellency that he will forthwith, upon being duly authorized, raise a Body of Volunteers,

By the 5th of February, 1776, Mr. Brush had received into his custody a large amount of goods, wares, and merchandize. General Howe, although he had resolved to evacuate Boston, was determined to wait "until he had additional transports and sufficient provisions for a long voyage; and also, until a favor-

consisting of not less than three Hundred effective Men, exclusive of Officers, One Hundred and fifty of whom to be formed into an Independent Company under his Command, and the residue to be disposed of at the pleasure of the Commander-in-Chief, the whole to serve in Conjunction with His Majesty's other Forces, during the continuance of the present Rebellion, upon the same pay, and Royal Bounty, as granted to the new rais'd Royal Fencible American Regiment, and this Proposal your Memorialist flatters himself with a certainty of effecting from his Connections and Friends among the well-disposed Inhabitants. And after the Subduction of the Main Body of Rebel Force, your Memorialist would further humbly propose, that an establishment of three Hundred Men, including such of the three Hundred Men so to be raised by him as may then remain, exclusive of Officers, might be formed into one Body under his Command to occupy proper Posts on Connecticut River, and open a Line of communication from thence Westward towards Lake Champlain, to continue on that Station so long as the Commander-in-Chief of His Majesty's Forces shall judge expedient, and then to be Reduced. And your Memorialist's intimate Knowledge of that Frontier enables him to assure your Excellency that such an Establishment in that Country (far remote as it is from the Seat and Aid of Government) will become absolutely necessary for the purpose of reducing to Obedience, and bringing to Justice, a dangerous Gang of Lawless Banditti, who, without the least pretext of Title, have, by Violence, possessed themselves of a large Tract of Interior Territory, between Connecticut River on the East, and the Waters of Hudson's River and Lake Champlain on the West, in open defiance of Government, holding themselves amenable to no Law, but confiding in their own strength, have for many Years committed the most unheard of Cruelties, and spread Terror and Destruction around them, without Fear of Punishment or possibility of Control, as well as to form a proper Defence (in conjunction with the well-disposed Inhabitants) against such discomfited Rebels as fleeing from the Main Body of His Majesty's Forces, will have no other Refuge to seek than this Interior defenceless Country, and who, forming themselves into Armed Bands, will Associate with the Needy and Dissolute, and without Remorse, destroy all distinction of Property founded on Law, or Subject it to their depredation. The Restoration and Protection of Courts of Justice, and of the Civil Magistrate in the due Execution of his Office, on which is dependant the whole Security and Happiness of the Subject, forms the great ultimate end of the proposed arrangement.

"Your Memorialist therefore Humbly Prays your Excellency will take the Premises into Consideration, and if the Measure proposed is favored with your Approbation that you will be pleased to lay the same before His Majesty's Ministers of State with your Excellency's opinion thereon.

"And Your Memorialist will Pray.

"Boston, 10th January, 1776."

Frothingham's *Siege of Boston*, pp. 246, 247, 249, 294, 295. MSS. entitled "Revolution Messages," etc., which include a number of papers relative to Brush, in office Sec. State Mass., 1775-1783, pp. 297-319.

able season should arrive." Under these circumstances, Mr. Brush, anxious to be directed as to the disposal of the property in his possession, made application to General Howe, to Brigadier-General James Robertson, to the Quarter-Master General, and to the Adjutant-General for advice. Robertson alone deigned to attend to the subject. At his request, Mr. Brush engaged Charles Blasquet, Richard Hill, John Hill, and David Cunningham, "under high wages," to devote "their whole time and attention" to the business of packing and casing the goods he had collected, and of conveying them on board the brigantine Elizabeth, then lying in the harbor at Clark's wharf. This vessel belonged to Richard Hart of Portsmouth, New Hampshire, and had been purchased as a transport.* In the confusion incident to the situation of the town, carts and boats could be procured only with the greatest difficulty. Mr. Brush and his aids were, on this account, compelled to ship their goods by such conveyances as chance afforded, and as the brigantine was at that time in the charge of three persons only, two of whom were boys, and all inexperienced, the packages, which were but poorly put together, were worse bestowed.

At this juncture, Cyrus Baldwin, a Boston merchant who had left town through fear of the British, and had retired to Woburn, wrote to William Jackson and his brother who still remained in Boston, begging them to receive from him a power of attorney, and take the charge of his effects. With this request they complied, and soon after received from him through his clerk, Mr. Shaw, the keys of his store. At the same time, Shaw removed to the store of the Jacksons a portion of his employer's goods for safer keeping. As it became more and more apparent that the British would be compelled to evacuate Boston earlier than they had intended, their conduct became more and more insolent. Early in the month of March, a number of Tories who had taken possession of the house of one Mr. Marsh, which adjoined Baldwin's, came out by the scuttle and broke open Baldwin's house through the roof. This act was performed in the dead of night. On the following morning William Jackson, having received information of what had happened, went to Baldwin's house, and upon examination discovered that, although some damage had been done, yet that several packages of goods which had been stored there, were untouched. He then remonstrated with

* "This vessel was purchased by William Jackson at the Brazen Head." *Edes's Boston Gazette*, Monday, April 8, 1776. *Connecticut Courant*, April 15, 1776.

those who had been guilty of this burglary, on the "iniquity of such doings," but without much effect. On the 9th of March, which was Saturday, as he was approaching his storehouse, he found Mr. Brush and a number of his attendants in front of Baldwin's place of business, the next to his own. Brush immediately demanded of him the keys of Baldwin's storehouse; declared that he had authority to seize his and other people's goods; pronounced Baldwin a rebel; and vowed to break the doors through in case peaceable entrance was not given. Being unable without aid to make a successful resistance, Jackson repaired in haste to General Howe. Meeting one of his aids-de-camp, he informed him of his situation, and in view of the power of attorney which he held from Baldwin, asked to be defended in his rights. An orderly sergeant was thereupon deputed to return with him, with a verbal order that Mr. Brush should not molest Baldwin's goods. The sergeant delivered a wrong message, and commanded Brush not to disturb the property of Jackson. Jackson corrected the mistake, but Brush refused to receive the correction unless it was made in writing and by the proper authority. On going the second time to headquarters, Jackson was unable to see either of the aids-de-camp. On his return Mr. Brush and his men broke open Baldwin's storehouse, and having obtained conveyances, removed the greater part of its contents to the brigantine Elizabeth.

Not satisfied with the power with which he had been vested, Mr. Brush obtained from General Howe, on the 10th of March, private instructions to seize those "goods," which, if retained by the rebels, would enable them to carry on the war, and "put them on board the Minerva ship, or the brigantine Elizabeth." In accordance with these private instructions, General Howe, on the same day, which was Sunday, issued a proclamation which, having been printed in the form of a handbill, was posted in the most conspicuous places in Boston, ordering the removal of "linen and woollen goods" from the place, and declaring that any person who should secrete or retain articles of this description would be treated as "a favourer of rebels."*

* The private instructions, which, with the exception of General Howe's signature, were in Mr. Brush's hand-writing, were as follows:—

"Sir,—I am informed there are large Quantities of Goods in the Town of Boston, which, if in possession of the Rebels, would enable them to Carry on War. And Whereas, I have given Notice to all Loyal Inhabitants to remove such Goods from hence, and that all who do not remove them, or deliver them to your Care, will

No sooner was this proclamation issued, than Mr. Brush began his work of plunder. Regardless of the sacred character of the day, he broke into the shops of Samuel Austin, John Scollay, John Rowe, John Barrett and Sons, Captain Dashwood, and Captain Partridge, whence he removed goods to the value of several thousands of pounds sterling. From the shop of the Jacksons he also took about twenty-five packages of goods, but these were treated with more care, for they were guarded by James Jackson as far as the wharf whence they were shipped.*

Nor did he confine himself to linens and woollens, the articles which had been declared contraband. His was an indiscri-

be considered as abettors of Rebels. You are hereby Authorized and Required to take into your Possession all such Goods as answer this description, and to give Certificates to the Owners that you have received them for their use, and will deliver them to the Owners' Order, unavoidable Accidents excepted. And you are to make enquiry, if any such Goods be secreted or left in Stores, and you are to Seize all such and put them on Board the Minerva, Ship, or Brigantine Elizabeth.

"Given under my hand at Head Quarters,

"Boston, this tenth Day of March, 1776.

"W. Howe,
"Com^r Chf.

"To CREAN BRUSH, Esquire."

The following is a copy of the proclamation of General Howe, which, in the form of a handbill, was posted in the town of Boston:—

"By His Excellency

"WILLIAM HOWE,

"Major General, &c. &c. &c.

"As Linnen and Woolen Goods are Articles much wanted by the Rebels, and would aid and assist them in their Rebellion, the Commander-in-Chief expects that all good Subjects will use their utmost Endeavors to have all such Articles convey'd from this Place: Any who have net Opportunity to convey their Goods under their own Care, may deliver them on Board the Minerva at Hubbard's Wharf, to *Crean Brush*, Esq.; mark'd with their Names, who will give a Certificate of the Delivery, and will oblige himself to return them to the Owners, all unavoidable Accidents excepted.

"If after this Notice any Person secretes or Keeps in his Possession such Articles, he will be treated as a Favourer of Rebels.

"Boston, March 10th, 1776."

MSS. in office Sec. State Mass. Frothingham's Siege of Boston, pp. 306, 307.

* Some idea of the manner in which the plundering of the town of Boston was conducted, may be gained by a perusal of the annexed inventory, drawn by James Jackson, "of sundry packages taken by Crean Brush out of Mr. Cyrus Baldwin's store, March 10, 1776."

"7 Trunks, 9 Boxes, 9 Casks, 1 Counter, 11 Bales, 1 Bag Pepper, 1 Bag All-spice, 1 Cask Indigo, 3 Quires small and 1 Quire large Press papers, Sundry Loose Ones, 1 Black Walnut Desk, 1 Writing Desk, 1 Pewter Dish, 1 Small organ in the chamber, 4 Chairs, 1 Pewter Dish."

minate robbery, and everything portable on which he could lay his hands, if of value, was tumbled with the utmost confusion into the hold of the brigantine Elizabeth. On the next day he renewed his depredations with vigor. "Shops were stripped by him of all their goods, though the owners were in town." Dwelling houses were plundered of their contents, and what could not be carried off was destroyed. Mr. Brush afterwards bore witness to his activity in these words:—"I solemnly aver, that from the 5th to the 13th of March, my own assiduity was so great that I did not in any one night allow myself more than two hours sleep." For four days, commencing on the day on which the last proclamation was dated, the destruction of private property in Boston was immense. Those engaged in these scenes cared but little for the order which declared that the soldiers who should be "caught plundering" should be "hanged on the spot," and were not hindered in their lawless work by the rain which fell during the greater part of the time.*

On the 12th of March, John Hill, one of Mr. Brush's assistants, wrote to Brigadier-General Robertson for assistance. He stated that his employer and others had laded the Elizabeth with "a valuable cargo of rebels' goods;" that one Captain Wheaton had assumed the command, but was incapable of fulfilling his trust; that he had crowded her with twenty passengers, "besides seven negroes," among whom there was not one person who could superintend her navigation; that there were neither provisions nor water on board; that the passengers were in confusion, and the cargo in chaos. He further declared that should the vessel put to sea in her present state, she would undoubtedly be lost, and begged in behalf of Mr. Brush, that she might be provided with a fit master, and four competent seamen, and that all "superfluous persons" might be removed from her. On the same day, William and James Jackson proceeded to Brigadier-General Robertson's quarters, for the purpose of obtaining from Mr. Brush through him, a receipt for the goods of Baldwin. Samuel Austin and John Scollay, two of the selectmen of Boston, and Captains Partridge and Dashwood were already there, endeavoring to obtain information concerning their property. Mr. Brush produced manifests of the goods of these gentlemen, and even furnished them with receipts, but of the effects of Baldwin he could give no account.

* Gordon's Hist. of the War, ii. 42-44. Frothingham's Siege of Boston, pp. 307, 308.

Some conversation then ensued relative to Mr. Brush's conduct, when Robertson, in order probably to put an end to the complaints which had arisen on account of the recklessness with which Mr. Brush had conducted the seizure of the "rebels'" goods, gave orders that the Elizabeth should fall down the harbor. It had been expected that Boston would be evacuated on the 15th, but owing to an easterly breeze which rendered exit from the harbor unsafe, the departure of the troops was delayed. The next day was spent by the soldiers in "defacing furniture, damaging goods, and breaking open stores." On Sunday, March the 17th, the embarkation commenced at an early hour, and before night the fleet was harbored in Nantasket Road. Mr. Brush left in the Elizabeth, and was accompanied by William Jackson, who had determined to remain with his property, to protect it, if he should be able.

The situation of the Elizabeth was unpromising in the extreme. The packages which had been thrown in indiscriminately were broken open, and the goods were lying loose in the hold from one end of the vessel to the other. Wheaton, the temporary captain, and Mr. Brush were continually differing, each pretending to the command, and no care had been taken to lay in a store of provisions. As soon as General Howe arrived at Nantasket, Jackson, who was still there, wrote to him, informing him of the service he, as "a subject," had done "in the detection and discovery of persons concerned in fraudulently taking away the property of divers merchants," and asked to be appointed to take the charge of the cargo on board the Elizabeth, then "under the care of Mr. Brush." By the advice of Major Sheriff, Jackson repaired to the ship of Admiral Shuldham in King Road, on board of which General Howe had his head-quarters. He was there met by Captain Balfour, Howe's aid-de-camp, who begged him to return to the brigantine, and promised that he would soon follow. Not long after, Brigadier-General Robertson and Major Grant, the commandant of the 55th regiment, visited the Elizabeth, with a party of men, in place of Balfour. To them Jackson made known the situation of affairs, and informed them that the goods of several persons which had been taken, were not to be found on the brigantine. By their aid a search was instituted, and the lost property, among which was that of Mr. Baldwin, was discovered "on board a ship called the Peggy." Jackson thereupon agreed to attend to the preservation of the cargo of the Elizabeth, and a couple

of men were sent to assist him in its stowage. Large quantities of goods were afterwards removed from the *Peggy* to the *Elizabeth*, but the property which was hidden under the wheat and flour, which formed a part of the cargo of the former vessel, was not then discovered.

On Thursday, the 21st of March, Admiral Shuldham of the British fleet, ordered Peter Ramsay, a midshipman on the *Chatham*, to take the captaincy of the *Elizabeth*. With him were sent sailors, together with a sergeant and twelve privates of the 4th, or King's Own Regiment, that the vessel might be both navigated and defended. For a few days following, the crew were busily engaged in taking in provisions, and in making the necessary preparations for the voyage. Arrangements having been completed, and a number of women and children having been taken on board as passengers, the *Elizabeth* set sail for Halifax, Nova Scotia, between the hours of three and four, on the afternoon of Friday, the 29th of March, under convoy of the British ship-of-war the *Niger*. On Tuesday, the 2d of April, Commodore John Manly in the *Hancock*, coming up with the brigantine, which had in the mean time parted from her convoy, fired a broadside at her. This was returned by a volley of small arms from the sergeant's party on board the *Elizabeth*. At this juncture Capt. Daniel Waters in the *Lee*, and Capt. John Ayres in the *Lynch*, joined the Commodore. Escape was now impossible. Between the hours of four and five in the afternoon the *Elizabeth* struck her colors. Captain Ramsay and all on board were made prisoners, and the brigantine was floated into Piscataqua river in New Hampshire.

The most important prisoners were on Thursday, the 11th of April, brought before the Council of Massachusetts, then in session at Watertown, and examined. Mr. Brush did not deny the charges which were adduced against him, and even acknowledged that he took some articles which were not "woollens or linens;" but "this," said he, "was owing to the owners themselves, who would not inform me which packages contained them." The statements made by Captain Ramsay were strictly true. William Jackson declared that he had taken passage in the *Elizabeth* in order to protect his own and Mr. Baldwin's property, and that he had never been acquainted with Mr. Brush till he met him at General Howe's quarters. Another prisoner, one Edward Keighley, stated that he was a passenger

in the Elizabeth when she was taken, and that he had on board of her a quantity of goods, which it was his design to carry to Halifax and "make the best of." He also asserted that there were five persons on the Elizabeth who had been imprisoned on account of the share they had taken in plundering the town of Boston, and in secreting the booty in the hold of the Peggy.

On the day following this examination, the "major part of the Council" directed the keeper of the jail at Boston to take into his custody, Crean Brush, William Jackson, Peter Ramsay, Edward Keighley, and Richard Newton, "lately taken in their flight from Boston, in attempting to carry away from thence, under the protection of the British fleet, large quantities of goods, wares, and merchandizes, the rightful property of the inhabitants" of the town of Boston. The first three prisoners were ordered to be placed "each in an apartment by himself;" were denied the use of pen, ink, and paper, and candles; and were not permitted to converse with any person unless in the presence of the jailer. Mr. Brush was not only subjected to these restrictions, but was also handcuffed. Among the papers of Brush was found an unfinished letter, which was published in Edes's Boston Gazette a few days after its author had been imprisoned, in order, as was stated by the editor in his prefatory remarks, "that the good people of these colonies may see the unwearied attempts of our implacable enemies to enslave them."*

* This letter was without date or address, and was in these words:—

"SIR: The movement of the troops from Boston to Canada is the only measure which assures success in the reduction of America to due obedience, which, I trust, sir, you will remember to have been an observation of mine to you in February, 1765. From the frontiers of that Province, the troops can, with great facility, possess the interior fertile country, which forms the great object of Rebel resources, and, by throwing the disaffected inhabitants in crowds upon an already exhausted and almost barren sea-coast, and keeping them confined there, they must be reduced by famine without a blow, provided a proper fleet is stationed on the coast of the Atlantick, to harass them on that quarter, and prevent foreign succours. The rivers, lakes, and streams, connected with, and contiguous to, the River St. Lawrence, must be the channels through which this desirable object is to be accomplished—the River Kennebeck, whose source is near that of the River Chaudiere, emptying into the St. Lawrence River, a few miles above Quebec; the Sago River, which separates the Province of New Hampshire from the Province of Maine; the River Merrimack, rising about latitude 43°; the River Connecticut, whose source is in about latitude 46°, near the Lake De St. François, in the River St. Lawrence; Hudson's, Susquehannah, Delaware, and Ohio Rivers, with the lakes forming these rivers and streams issuing into them. For on the banks of these lakes, rivers, and streams, are the fertile lands; and the whole settlements in the interior parts are chiefly formed on them. You will be pleased, sir, to excuse the liberty I have already taken, and indulge me until I lay before

A memorial was also found among his papers, addressed to Brigadier-General James Robertson. In this, he gave a partial account of his doings in Boston, and blamed those of the rebels who had found fault with his ruffianism. Referring to these unreasonable grumblers, he said:—"Your memorialist begs leave to assure your Honor, that he is fully able to prove that his conduct towards them was governed with politeness and moderation. True it is, that when attempts were made to engage his attention in tedious dissertations on Magna Charta and the rights of British subjects, with intent to retard him in the execution of his office, he did interrupt such harangues, and with an irony which inflamed their resentment, complimented them on their eloquence, which had in town meetings been so successful as to throw all America into confusion." But he further asserted that remarks like these were always accompanied by the declaration, that he "was upon business" which he was "determined to execute without interruption." In another memorial intended for General Howe, which seemed to be a companion-piece to the above, he employed a similar style in his remarks. In one instance only did he turn aside from the justification of his own acts, in order to commend to favor the four men and their families, who "neglected their own concerns to serve government," when he procured their assistance in breaking open the shops of Boston.

you the method I would pursue in taking possession of any capital river; which, if it furnishes a hint which may facilitate the operations on any others, I should esteem myself very happy. The plan I would lay down relates only to the River Connecticut—an object of the greatest consequence, as it forms the granary of Massachusetts Bay and Connecticut. And I request you may believe, that what I advance is not founded on mere speculative knowledge, founded on maps, but from the actual experience of many years traversing that river, from its mouth to latitude 45°, where I had an opportunity of thoroughly inspecting its falls. On supposition, therefore, that the body of Regulars on this expedition consists of one thousand five hundred men, the like number of Canadians, and one hundred Indians, with arms and ammunition, and six small field-pieces, the whole to proceed together from Quebeck to Lake De St. François, with about one hundred and fifty horses, or more, if possible, and birch canoes sufficient to carry such provisions and light baggage as may be necessary: the distance from the Lake De St. François to the source of Connecticut River may be about six days' march; and in this the whole difficulty consists. However, the Canadians, who are good axemen, covered by an advanced party and Indian guides, might cut out such fallen timber as may lay across the path, and fill up such gulleys with logs and earth as would otherwise obstruct the march of the artillery. Immediately on entering the settled townships on Connecticut River, a printed paper, to the purport or effect following, might be distributed."—Edes's Boston Gazette, April 15, 1776.

One of these four men, John Hill, had been taken when the Elizabeth was captured. On his examination, as no evidence was adduced against him, he was dismissed. It was afterwards ascertained, in the words of the Council of Massachusetts, that when he was first made prisoner, he had on board the brigantine, in his possession, " chests, trunks, and packages of goods and merchandize, to the value of £300 sterling, supposed to have been stolen from the distressed inhabitants of the town of Boston ;" and that he had been " an assistant to Crean Brush in his late unwarrantable and high-handed thefts and robberies." For these reasons, the Council, on the 25th of April, issued an order for his re-arrest. Having been taken at Marblehead, he was sent by the committee of correspondence of that town to Boston. On the 30th of April, he was again brought before the Council, and, having been examined by Benjamin Chadbourn, Mr. Cushing, and Mr. Sullivan, he was sent to " Boston Jail," there to be confined as a prisoner until he should appear before the seven justices of the peace of the county of Suffolk, " appointed to try associators and abettors of the ministerial army." After remaining in prison for a month, Hill, on the 4th of June, petitioned for his release, alleging as reasons the dying condition of his wife, and the starving state of his mother and daughter. His request was probably granted, for it is well known that cruelty was not a characteristic of the conduct of the Americans in the war of the revolution.

In a letter to the Council of Massachusetts, dated the 10th of June, William Jackson, another of the prisoners, asserted that he had not been " in any shape concerned with Brush," and agreed to prove his words by an appeal to that individual. In consequence of this letter, Jackson was again brought before the Council, on the 13th, and was re-examined. At the close of the interview, he drew up a detailed account of the part he had taken in the scenes which had been lately enacted in Boston, in which he represented himself as a succorer of those who had suffered by the vindictiveness of Mr. Brush. In proof of his innocence, he presented six certificates from Boston gentlemen. Two of these were signed by John Scollay and Samuel Austin. On the 13th of July following, he was still in jail, subject to the restrictions which had been placed upon him three months previous. When the subject of the capture of the Elizabeth was discussed in Congress, a few

months later, the conduct of William Jackson and of his brother James was spoken of without reprobation, and in such a manner as would lead to the conclusion that the former was not at that time in confinement.

The cargo of the *Elizabeth*, though varied in its character, was very valuable. Its worth was stated by William Jackson at £20,000 sterling, and the Boston newspapers raised these figures to £35,000 sterling. Regarding the vessel and its lading as a lawful prize, the captors expected their full quota of the net proceeds. On the other hand, the owners of the brigantine and her cargo laid claim to their respective property. Joshua Wentworth, of Portsmouth, New Hampshire, appeared in behalf of the captors, and John Lowell, of Newburyport, Massachusetts, for the claimants. The latter gentleman obtained from the office of the secretary of Massachusetts, the papers which had been taken from *Brush*, in order that he might prove by them the ownership of the vessel and cargo. Samuel Austin, John Rowe, Capt. S. Partridge, Capt. Samuel Dashwood, and John Scollay, the merchants whose stores had been most thoroughly plundered, presented a petition to Congress on the 21st of May, desiring that particular attention might be given to their situation. Wentworth, meantime, fully aware of the peculiar difficulties of the case he had undertaken, wrote to Stephen Moylan for advice. On the 21st of August, Wentworth, in behalf "as well of the United States of America, as of John Manly, Daniel Waters, and John Ayres, commanders; and the officers, marines, and mariners, of the three armed vessels, *Hancock*, *Lee*, and *Lynch*," exhibited a libel before Joshua Brackett, judge of the court maritime of New Hampshire, "against the brigantine *Elizabeth*, commanded by Peter Ramsay; and her cargo; and Richard Hart, of Portsmouth, in New Hampshire, owner of the said brigantine; and William Jackson and others, of Boston, in the state of Massachusetts-Bay, owners of sundry goods and merchandize on board of her." The merits of the case having been set forth by counsel, the judge decided that the brigantine and so much of her cargo as was claimed, should be restored to the respective claimants, and that the claimants should recover their legal costs of court.

From this sentence, Wentworth appealed to Congress. His appeal was read on the 12th of September, and on the 30th of the same month, the Boston sufferers petitioned Congress to

hear and determine the appeal. The subject was committed to the consideration of Robert Treat Paine, Samuel Huntington, Thomas Stone, George Wythe, and Richard Smith, with full powers to hear and determine. On the 14th of October, they gave in their report to Congress, which was agreed to. By it, they declared that the *Elizabeth*, "not being an armed or a transport vessel employed in the present war against the United States, nor carrying provisions, or other necessities, to the British army or navy, within any of the United colonies," could not be forfeited. But they further decided, that the owners of the brigantine and cargo—who, probably, "would have lost their whole property," had not Manly and his colleagues interfered—ought to make a reasonable satisfaction to the re-captors. On these grounds, the sentence of the court was found erroneous, and was ordered to be "reversed and annulled." In place of it, the court maritime was directed to restore the *Elizabeth* and such parts of her cargo as had been previously claimed, to the respective claimants, upon their paying to the United States and the re-captors, one twelfth part of the value claimed. As to the rest of the cargo, it was decided that it should be sold, and that the proceeds, "after deducting the like proportion and for the same uses," should be retained for the persons who should hereafter prove their right to the same. Liberty was also given to the appellants, to recover against the claimants, their costs as well in the court maritime as in the prosecution of their appeal at Philadelphia; and in this shape the cause was sent back, that the sentence of Congress might be carried into execution. By a resolution which followed the adoption of this report, Congress, as an act of charity, released that part of the twelfth, which, in lieu of salvage, had been adjudged to the United States, and restored it to the owners of the goods with which the *Elizabeth* had been freighted.*

Meantime Brush remained a close prisoner in the jail at Boston. His habits, it is stated, were not at this period of the most temperate nature, and there is a tradition that he would often beguile his leisure hours by an undue indulgence in strong liquors. In the month of January, 1777, his wife arrived at Boston, and there remained during the rest of that

* MS. Revolution Council Papers, in office Sec. State Mass., 1775, 1776, i. 316, 341; 1776, ii. 53, 54, 78-95. American Archives, Fourth Series, vol. v. cols. 177, 934, 1068, 1294, 1299, 1701; vol. vi. col. 681. Connecticut Courant, April 29th, 1776. Journals Am. Congress, i. 849, 471, 502, 507, 515-517.

year. By a paragraph in the New York Gazette of August 25th, 1777, chronicling the arrival in that city of Michael Nailer, previously a prisoner at Boston, it appears that Brush had been lately tried on three indictments found against him by the grand jury of Massachusetts, on account of his participation in the plundering of Boston, and had been "honorably acquitted." Whether this statement was true or false, one thing is certain, that his acquittal did not procure his release. This was effected in a manner far different. On Wednesday, the 5th of November following, Mrs. Brush, as was her custom, visited her husband in his cell, and remained with him several hours. The time for locking up the prisoners for the night having come, she was requested to terminate her visit. As the turnkey stood at the door, waiting for her appearance, a tall figure in woman's garb passed out of the cell, walked with deliberation to the outer door, and disappeared in the darkness. The turnkey threw the bolt forward to its place, little imagining, as was the case, that Mr. Brush had escaped in his wife's clothing, and reported all the prisoners secure for the night. On the next morning, when he shoved up the slide which closed the loophole through which food was passed, no response was given to his summons, and no hand appeared to take the proffered breakfast. Having called several times, Mrs. Brush, who was the sole occupant of the cell, at length replied, "I am not Mr. Brush's keeper," but refused to give any information concerning her husband.

Immediately on escaping, Mr. Brush set out for New York, having been furnished by his wife with the means of accomplishing the journey, and with a horse, which he found tied at a place she had designated. On Sunday, the 16th of November, he reached the place of his destination, and the arrival of the man who for "upwards of nineteen months" had been "a prisoner in Boston Gaol," was duly noticed in the next day's gazette.* Mr. Brush now directed his efforts to the recovery of his property, and especially of his lands on the New Hampshire Grants. Owing to his previous acts and character, and to the hatred towards Tories, which the condition of New York at that time did not tend to lessen, he made but little progress in his endeavors, and became dispirited. Nor did he succeed any better in an attempt which he made to obtain from the

* New York Gazette, Monday, November 17th, 1777.

commander of the British forces in that city redress for the injuries he had received, and compensation for the losses he had sustained on behalf of the King. Goaded by the scorpion whips of remorse; too proud to strive to redeem the errors of his past life by living honorably in the future; unable to endure, longer,

—— “the whips and scorns of time,
—— the law’s delay,
The insolence of office;”

making but little account of the dread responsibility incurred by him who cares not that the Everlasting has fixed

“His canon ‘gainst self-slaughter;”

he chose to exchange the miseries of the present for the uncertainties of eternity, and to rush uncalled into the presence of his Maker. On a cold morning in the following spring, he stood alone in his chamber, the shadow of black years behind him, and the gloomier darkness of an impenetrable future before. There was little in the room to cheer a soul like his. The fire had died on the hearth, and the white ashes and the half-consumed brand were fit emblems of the seared heart which was sepulchred in his bosom. The frost had gathered on the soiled and weather-stained windows, and the light which struggled through them seemed to have lost its strength in the effort and left nothing but its dimness as the evidence of its presence. The answer which but a few hours before the British commander had made him, when he spoke of his sufferings—the answer, “Your conduct merited them, and more,” was still sounding in his ears. A report, as of fire-arms, drew the attention of curious people to the building whence the noise proceeded. Mr. Brush was found upon the floor—weltering in blood—a pistol in his hand—a bullet-hole in his head—his brains besmearing the walls of the apartment—dead.*

* A traditional account of this occurrence is, that he cut his throat with a razor in a lawyer’s office which he was accustomed to frequent, while the lawyer had gone out to get some fuel for the purpose of making a fire. In a Boston paper of that time is recorded the following paragraph, which supports the statement of the text:—

“From New York, we learn that the notorious CREAN BRUSH (who was some Time since released from Confinement in this Town) after his Arrival in that

A few months previous to this occurrence, his wife had asked leave of the Council of Massachusetts to go to Rhode Island. On the 7th of January, 1778, her request was granted. Liberty was given her to proceed to Providence, and thence, provided Major-General Spencer "should indulge her with a flag," to Newport. At the same time the commissary of prisoners was directed to see that she carried with her no papers or letters detrimental to the United States.

By the will of Mr. Brush, which was dated "in Boston Gaol," the "Eighteenth Day of October in the year of our Lord, 1777, and in the eighteenth year of his Majesty's Reign," his whole property, after the payment of his debts, was given to his wife during her widowhood. In case of her re-marriage, she was to receive one-third of the estate, and the remaining two-thirds were to be divided equally between his daughter, Elizabeth Martha, and his step-daughter, Frances. On the death of Mrs. Brush, her share was to descend to the first named daughter. Provision was made for other contingencies, and in the event of the death of his wife and daughters, his whole estate was to be divided between his "sister Rebecca, the wife of the Reverend Doctor Clarke of the county of Down in the Kingdom of Ireland," and his cousins John Brush, merchant and planter, of the island of Tobago, and Richard Brush, merchant, of the island of Madeira. Of this will, his wife was nominated executrix, and his friends Goldsbrow Banyar, John Church, and Simeon Olcott, executors. It was proved before Cary Ludlow, the surrogate of the city and county of New York, on the 14th of April, 1778, and at the same time, Mrs. Brush qualified as executrix. Mr. Brush owned, it is supposed, about 25,000 acres of land in the province of New York proper, and a little less than that amount on the New Hampshire Grants, but his heirs were able to obtain possession only of a very small portion of this part of his estate.*

In accordance with the advice of Ira Allen, the Council of Safety of Vermont appointed commissioners of sequestration

LOYAL City, applied to the Commander there, for a Consideration of the Insults and, as he told the Story, the many Losses &c. he met while here, when he received for Answer 'Your Conduct merited them, and more,' which so enraged him that he retired to his Chamber, where, with a Pistol, he besmeared the Room with his Brains."—The Independent Chronicle and Universal Advertiser, Thursday, May 21, 1778.

* Will of Crean Brush.

on the 28th of July, 1777, and gave them power "to seize all lands, tenements, goods and chattels of any person or persons" in the state who had "repaired to the enemy," and to apply the revenue arising from the sale of the personal and the leasing of the real property, to the maintenance of the state. Interpreting this order with a meaning of which it was in no way susceptible, private individuals seized upon the doomed property, and appropriated it to their own use. As an instance of this easy method of transfer, it will be sufficient to refer to the conduct of Leonard Spaulding, of Dummerston, who, on the 4th of February, 1778, by virtue of the order of confiscation, took possession of "Timothy Lovell's wood-farm" in Rockingham, the "Governor's meadow" at Westminster, and two lots and a barn in the latter place, the property of Crean Brush. On the 30th of March, 1778, he also seized upon the "Dawes place" in Putney, which had formerly belonged to Mr. Brush.*

Owing to the confusion incident to the war, and to the formation of Vermont as a separate government, much of the revenue arising from the estates of Tories found other channels than those which led to the treasury of the state. But with the partial restoration of order, the abuses which had obtained in this particular were not unheeded. By an order of the Council, dated June 17th, 1778, the estate of Crean Brush was taken from the hands of the commissioners of sequestration, and was given in charge to Nathaniel Robinson and others, with authority to lease it, and pay the proceeds to the state. By another order, emanating from the same authority, dated June 18th, 1778, Paul Spooner was appointed a commissioner to receive from "John Church, Esqr., of Charlestown and the widow Mary Bellows of Walpole," "divers books and other effects, formerly the property of Crean Brush and others, now with the enemies of the United States of America," and to "make due returns of his doings" at the next session of the General Assembly, to be holden at Windsor on the second Thursday of the following October. For the purpose of protecting the state from the influence of its foes, an act was passed by the General Assembly in February, 1779, forbidding the return of all inimical persons, under the penalty of being "whipped on the naked back, not more than forty nor less than twenty stripes." Any

* Vt. Council Records.

one who should continue in the state a month, or who should again return after a first conviction, was to suffer death, and the crime of harboring an enemy was made punishable by a fine of £500. In a list accompanying this act, containing the names of one hundred and twenty-eight persons, to whom its provisions were especially applicable, the name of Crean Brush, of Westminster, although he had been dead already a year, was included.*

It is impossible, at this distance of time, to ascertain the names of those who became the owners, by purchase, seizure, or otherwise, of the property of this unfortunate loyalist. The following data may not, however, prove uninteresting to persons residing in those localities where the old method of designating lands is understood. Of the real estate of Crean Brush situated in Westminster, and comprising, among other items, five thousand or six thousand acres of land, Stephen R. Bradley purchased of Thomas Chandler, commissioner, house lot number 58, on the 10th of September, 1779. The General Assembly quit-claimed to William Crook, by a resolution dated October 22d, 1779, "all right and title to a certain mill place," comprising about two acres in lot number 8 of the fifth range. William Hyde bought, on the 20th of June, 1780, lot number 6 in the fifth range of one hundred acre lots. Lot number 2 in the fourth range, containing one hundred acres, was purchased by Nathan Fisk on the 24th of June, 1780. William Crook bought of Thomas Chandler, on the 3d of October, 1780, lots numbers 9 and 10 in the third range of eighty acre lots. The library and furniture of Mr. Brush were scattered among the households of the neighborhood in which he resided. Books, bearing on their fly leaves his name, in the round, full autograph, which he had acquired while serving in the office of the deputy secretary of the province of New York, are still to be found in some of the houses which border the Connecticut, and the old clock, whose strokes fell on the ear of the jovial Tory, at midnight oftener than at morning, is still preserved, and continues to mark with accuracy the fleeting hours, as it has done for the last hundred years.†

After her second bereavement, it is not known how long Mrs. Brush remained a widow. In 1783 she was the wife of

* Vermont Council Records. Vt. Laws, February, 1779, p. 72. Slade's Vt. State Papers, pp. 355, 356.

† Various MS. Memoranda in office Sec. State N. Y.

Patrick Wall,* and, with her husband, resided in New York city. They afterwards removed to Westminster, at which place she spent the remainder of her life. In the will of Crean Brush, his step-daughter, Frances, is referred to as the wife of Captain Buchanan. On the marriage of her mother with Patrick Wall, one-third of the estate of her step-father came into her possession, by virtue of the will, whose main provisions have been already cited. When Mrs. Wall came to reside at Westminster, Mrs. Buchanan, then a widow, accompanied her. She was a dashing woman, and early attracted the attention of the quiet town's-people, to whom a bearing as imperious as that which she exhibited was wholly new. During some one of his frequent visits to Westminster, Gen. Ethan Allen, at that time a widower, formed an acquaintance with Mrs. Buchanan, which subsequently ripened into a warm, but, for a time, singularly inter-

* Though a tailor by occupation, Patrick Wall was a man of education, kind in disposition, courteous in manners, and, as John Kelly declared of him, one who knew "a good deal of the world." He was an Irishman by birth, but at the time of the revolution, was practising his craft in Boston. His situation during a portion of that period may be inferred from the annexed petition:—

"To the Honorable the Council of the State of Massachusetts Bay.

"The Petition of Patrick Wall of Boston, Taylor, Humbly sheweth—

"That your Petitioner is in very great distress, as he cannot find business sufficient to support himself and family, and having already exhausted his whole substance for his subsistence hitherto, hath the melancholy prospect of an approaching winter, wherein he must inevitably suffer the utmost hardships from his incapacity to procure the common necessaries of life.

"That your Petitioner in addition to the calamities which threaten him with extreme poverty and distress, hath many months been afflicted with violent pains in his limbs and for want of proper exercise finds himself falling into a dropsical habit of body.

"That in order to avoid the gloomy prospect with which he is surrounded, your petitioner, as the only means which promises relief, is willing and desirous of taking a passage for New York, being advised that the voyage thither would tend towards his finding means of getting a passage home to his native country, and laying his bones amongst those of his fathers.

"Your Petitioner therefore humbly prays that your Honours in tender consideration of the premises, may be favourably pleased to pass an order permitting your Petitioner to depart with his family for New York in the next cartel bound to that place.

"Boston, 29 Sept'r, 1777."

His request was granted by an order of the Council, and the commissary of prisoners was directed to examine all the letters, papers, etc., which he and his family might desire to take with them. Subsequent events proved that he did not long entertain the idea of "laying his bones amongst those of his fathers." After his marriage with the widow Brush, his worldly prospects assumed a more cheerful aspect. At her death, he married Elizabeth Erwin, of Westminster, on the 7th of January, 1812.

mittent friendship. Pleased with the originality of his views and conversation; flattered at her own ability to arrest the attention of a man whom all feared, but whom few loved; and imagining that she should find more sympathy in the companionship of his strong, active nature, than in the society of those by whom she was surrounded, Mrs. Buchanan found herself, on some occasions, irresistibly attracted towards him. At other times, his rough manners would render him equally repulsive to her. Aware of the feelings with which she regarded the General, and hoping to induce her to effect an alliance with a man whose boundless ambition was at all times apparent, save when overshadowed by passions as violent as they were unrebuked, John Norton, the tavern keeper at Westminster, and a man of considerable note, said to her one day, in a familiar manner, "Fanny, if you marry General Allen, you will be the queen of a new state!" "Yes," she replied, turning upon him a look which accorded well with her words, "if I should marry the devil, I would be the queen of hell!"

The character of Mrs. Buchanan must not, however, be judged by an expression extorted in a moment of passion. By one who knew her well, she is said to have been a fascinating woman; endowed with an ease of manner, which she had acquired from intercourse with the polite society of that day, in which she had been brought up; possessed of a refined taste and many accomplishments; and, on most occasions, soft and gentle in her ways and speech. The aversion with which she occasionally regarded General Allen, disappeared, at length, in the stronger admiration which she entertained for him, and she consented to become his wife. The circumstances attendant upon their marriage, which occurred previous to the year 1784, were novel, and fully characteristic of the man who cared but little either for "forms of government" or for the social customs of life.

Soon after the removal of General Stephen R. Bradley to Westminster, he erected a convenient dwelling for himself and family on the flat, north of the spot where the old Court-house formerly stood. During the sessions of the Supreme court, the judges usually boarded with him. At this period, Mrs. Wall and her daughter Mrs. Buchanan, occupied rooms in the house, and General Allen was a frequent visitor. One morning, while General Bradley and the judges were at breakfast, General Allen, with his sleigh, horses, and driver, appeared at the gate, and, on coming into the room, was invited to partake. He an-

swered, that he had breakfasted at Norton's, and would, while they were engaged, step into Mrs. Wall's apartments and see the ladies. Entering without ceremony, he found Mrs. Buchanan in a morning-gown, standing on a chair, and arranging some articles on the upper shelves of a china closet. After recognizing her informal visitor, Mrs. Buchanan raised up a cracked decanter, and calling General Allen's attention to it, accompanied the exhibition with a playful remark. The General laughed at the sally, and after some little chat, said to her, "If we are to be married, now is the time, for I am on my way to Arlington." "Very well," she replied, descending from the chair, "but give me time to put on my Joseph."

Meanwhile, the judges and their host, having finished their breakfast, were smoking their long pipes. While thus engaged the couple came in, and General Allen, walking up to his old friend Chief Justice Moses Robinson, addressed him as follows:—"Judge Robinson, this young woman and myself have concluded to marry each other, and to have you perform the ceremony." "When?" said the Judge, somewhat surprised. "Now!" replied Allen. "For myself," he continued, "I have no great opinion of such formality, and from what I can discover, she thinks as little of it as I do. But as a decent respect for the opinions of mankind seems to require it, you will proceed." "General," said the Judge, "this is an important matter, and have you given it a serious consideration?" "Certainly," replied Allen, "but," glancing at Mrs. Buchanan, "I do not think it requires much consideration." The ceremony then proceeded, until the Judge inquired of Ethan whether he promised to live with Frances "agreeable to the law of God." "Stop! stop!" cried Allen at this point. Then pausing, and looking out of the window, the pantheist exclaimed, "The law of God as written in the great book of Nature? Yes! Go on!" The Judge continued, and when he had finished, the trunk and guitar-case of Mrs. Allen were placed in the sleigh, the parties took their leave and were at once driven off to the General's home. Thus did the step-daughter of Oreean Brush become the wife of the man for whose apprehension Governor Tryon, at the instigation of Brush, had on the 9th of March, 1774, offered a reward of £100. The children by this marriage were Frances, Hannibal, and Ethan. General Allen died on the 12th of February 1789, and his widow subsequently became the wife of Dr. Jabez Penniman of Burlington.

Elizabeth Martha, the only child of Olean Brush, was about nineteen years old at the time of her father's death. At the age of twenty-two, she married Thomas Norman of Drogheda, Ireland, by whom she had four children, Henry M., Eliza, John E., and Forbes. By the will of her father she was heir to one-third part of his estate. Having purchased of Mrs. Penniman and of Mrs. Wall their respective thirds, and taken from them quit-claim deeds duly executed and acknowledged, she became entitled to the whole property. In the year 1795 her husband, who resided with her in Ireland, constituted her his attorney, and with this power she soon after came to America, and immediately took measures to recover the property to which she had become entitled. At Westminster, where she had fixed her abode, she was afterwards joined by her husband, and at that place they lived until the time of their removal to Caldwell, at the south end of Lake George, where Mr. Norman died in the year 1814. Mrs. Norman was a lady of fine manners, dignified deportment, and was, in every respect, an ornament to her sex. She enjoyed in early life the advantages of a good education, and never failed to receive that regard and attention to which her merits entitled her.

To what extent she succeeded in obtaining possession of the estate left by her father, is not known. In addition to the lands which he had held in New York and Vermont, he had owned also farms in Walpole, Westmoreland, Hinsdale, and Winchester; but according to John Kelly, Mrs. Norman's lawyer, she was prevented by "the manœuvres of the Burt family of Walpole" from obtaining full possession of her landed property in these New Hampshire towns. By a letter from Mr. Kelly to Mrs. Norman, dated the 9th of June, 1795, it appears that all the lands which Mr. Brush had held in Vermont, under the New York title, were at that time deemed, as they afterwards proved to be, "irrecoverably lost." Mr. Kelly also stated that, in many instances, the citizens of Vermont had possessed themselves of Mr. Brush's lands during the war, and had since "held them by main force and strength;" that some of his farms in that state had been sold as confiscated; but that "the resolution of the Governor and Council of Vermont, under which they were so sold," did not pass until two years after Mr. Brush's death. Referring in another place to this resolution, he condemned it in the plainest terms, declaring "the attempt to confiscate a dead man's estate" as an act "superlatively wicked."

It is believed that Mr. Brush's property, situated in the state of New York proper, was never confiscated. Even if this were so, it does not appear that Mrs. Norman ever realized her expectations in the estate of her father. When on the 23d of April, 1799, the sum of \$30,000 which Vermont had paid to New York, was divided among the claimants who had held lands on the "Grants," under charters from the latter state, Mrs. Norman made application for her portion, but obtained \$718.60 only, a sum which bore no proportion to the real value of the possessions of her father in Vermont. The portrait of Crean Brush, from which the engraving given at the beginning of this sketch is taken, has for many years been preserved in the family of Mr. Henry M. Norman, who resides at Caldwell, and of whom several of the facts relative to his grandfather, previously mentioned, have been obtained.*

THOMAS CHANDLER.

Among those who bore an active part as pioneers in the early settlement of Vermont, but few endured as many



hardships, and overcame as many of the difficulties of the wilderness, as Thomas Chandler. He was the son of John Chandler; was born at Woodstock, Connecticut, on the 23d of July, 1709; and was married to Elizabeth Eliot, on the 23d of November, 1732. At the close of the French war, when many of the inhabitants of Massachusetts and Connecticut were turning their attention to the rich lands lying between Lake Champlain and New Hampshire, Mr. Chandler did not remain unobservant. It is probable that he resided, during a portion of the time between the years 1761 and 1763, at Walpole, New Hampshire, for his name is found recorded at that period, as a selectman of that town. In the year 1763, he removed to New Flammstead, the name by which Chester was then known, being

* Letter from Hon. W. C. Bradley, dated February 27th, 1857. Letters from John Kelly to Mrs. Norman. Doc. Hist. N. Y., iv. 1024, 1025.

accompanied by his two sons John, and Thomas, Jr.* At a meeting of the proprietors of the town, held at Worcester, Massachusetts, on the 8th of March, in the year last mentioned, Mr. Chandler was chosen moderator. At "a meeting warned to be held at the dwelling house of William Warner," in New Flamstead, on the 12th of March, 1765, he was again chosen moderator. This was the last meeting held under the New Hampshire charter. For the better protection of the domains west of Connecticut river, which had lately been declared within the province of New York, the limits of Albany county were so extended as to include them; additional justices of the peace for this wide-spread bailiwick were appointed; and, on the 20th of January, 1766, Mr. Chandler received a *dedimus potestatem* commission, empowering him to administer oaths of office. It is probable that he was, at the same time, made a justice of the peace and of the quorum, for at a meeting held at Springfield on the 27th of February, 1766, he and others were present in that capacity, to appoint constables for a number of the then sparsely settled towns in that region. It appears that there was a military organization on the "Grants" at this period, for on the latter occasion, Simon Stevens received the commission of a captain in the "eighth company of foot in the regiment of militia for which Thomas Chandler Esquire is Colonel."

On the 16th of July, 1766, Mr. Chandler was appointed first judge of the Inferior court of Common Pleas of Cumberland county, a justice of the peace, and surrogate of the county. He also received a *dedimus potestatem* commission on the day following. For the purpose of securing the title of the lands in the town of his residence, he obtained a charter from New York for himself and thirty-six others, in which the name Chester was substituted for New Flamstead. The patent of the county was issued on the 3d of July, 1766. The charter of Chester was granted on the 14th of July, 1766. Mr. Chandler received his appointments a few days later. The first town meeting under the new charter was held on the first Monday in June, 1767. Though the officers were regularly chosen on this occasion, and on other similar occasions for a number of years following, yet their names were not recorded until the

* The Chandler family were settled in Chester previous to the 26th of December, 1763, for on that day Thomas Chester Chandler, a grand-son of Thomas Chandler, was born in that town. The birth of this child was the first that took place in Chester.

19th of May, 1772, when, at a meeting held in the Court house, Colonel Chandler was chosen moderator, supervisor, and town clerk. The latter office he continued to hold until the 3d of March, 1777. When the county was re-organized by a direct act of the Crown, in 1768, he was again chosen on the 7th of April, in that year, to all the positions he had held under the old regime. Four years later, on the 14th of April, 1772, he was re-appointed to all the offices he had before filled, with the exception of the surrogateship, and the office created by the writ of *dedimus potestatem*, as before explained.

Of the actual opinions entertained by Colonel Chandler at the time of the "Westminster Massacre," it is difficult to form a correct estimate. He had acted as moderator at many of the town meetings which had been held in Chester, during the six months previous to this occurrence, and when the conduct of Great Britain in oppressing her colonies was under discussion, and when the people resolved to "joyn with their Fellow American Subjects in opposing in all Lawfull ways, every incroachment on their Natural Rights," had shown no opposition to the measure. He also declared publicly, a few days before the affray, that he believed "it would be for the good of the county not to have any court as things were," and evinced a conciliatory spirit towards those who favored violent and decisive measures. After he had consulted with his associate, Judge Sabin, a man who deemed it his duty to uphold the laws, let the cost be what it might, it is probable that his views were changed; for, when asked a few hours previous to the commencement of the fight, whether he and Sabin would consult with the Whigs as to the expediency of holding the session, he replied that the judges were willing to give redress in a legal manner, but could enter into no discussion as to "whether his Majesty's business should be done or not." Sabine, in "The American Loyalists," referring to Judge Chandler's behavior on this occasion, remarks:—"He appears to have conducted with prudence, and to have used his exertions to prevent the melancholy consequences which resulted from the unwise proceedings of other adherents of the Crown." Although he was afterwards imprisoned in the Court-house, yet his confinement did not last but two or three days, and it does not appear that he was ever tried, although he gave bonds at the time of his release to appear and take his trial at such time as should be appointed.

Other views have, however, been entertained respecting Chandler's real intentions. It was the remark of an old man, who in his boyhood had often seen him, that "he was not deemed a right honest man, and was supposed by many to have forwarded the scrape." In that highly entertaining and instructive novel, called "The Rangers; or the Tory's Daughter," the Hon. Daniel P. Thompson has also painted the sycophancy of Colonel Chandler, in colors which do not increase the brilliancy of his reputation. The most plausible account which can be given of his conduct, as derived from a thorough examination of the facts, appears to be this. He was a man who, although attached to the Crown from which he derived his authority, was unwilling that the people, whose welfare he desired especially to consult, should suffer. He wished, as a loyal officer, that the court should convene; was willing in his judicial capacity to listen to the demands of the people; and announced himself ready to assist in removing the grievances of which they complained. Being withheld by Judge Sabin—whose fidelity to the King was greater than his love for the people—from the course of action to which views like these would have prompted him, he determined to remain with his associate, and bear the indignation of the populace. This he did, there is hardly room to doubt, with all the dignity becoming his station. He suffered confinement with his friends, and after his release, when popular clamor had in a measure subsided, and an opportunity had been given him for reflection, decided in favor of those who had determined to cut loose from Great Britain, and ever after was a zealous supporter of the American cause. He was often exposed to the opprobrious remarks of those who remembered him as associated with the Court party during the struggle of the 13th of March, and his connection with that side was not unfrequently cited as a reason why he could not be a hearty upholder of democratic or republican principles. Yet, in the face of prejudice so bitter, and calumny so offensive, Colonel Chandler, firmly attached to the cause he had espoused, toiled, for a time at least, earnestly and faithfully in its behalf.

Owing to causes which cannot now be ascertained, he became impoverished in his old age, and continued so until his death. At the session of the Legislature, held in October, 1784, he presented a petition to the General Assembly, in which he expressed his willingness to deliver up the whole of his estate to

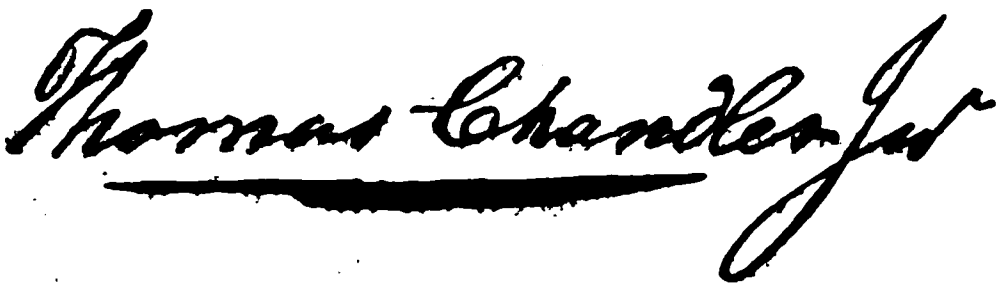
learned the trade of a blacksmith, which he followed about four years, when he married a daughter of Col. John Hazeltine. Becoming the recipient of an ample fortune by this connection, he laid aside the sledge, and removed to Townshend, there to wield the axe among the trees of the forest. At the commencement of the Revolution he joined the American army, and in the capacity of orderly-sergeant, was present at the battle of Bunker Hill. By the New York Provincial Congress he was appointed a lieutenant in a new company, which was formed in the month of July, 1775. Elisha Benedict of Albany, the captain of the new company, was soon after sent to Cumberland county for the purpose of delivering to Mr. Fletcher his commission. He there learned that the "orderly" was "in the army at Cambridge," Massachusetts. Mr. Fletcher's commission was soon after recalled, and the lieutenancy intended for him was conferred on another. In the month of January, 1776, he returned to Townshend, and was immediately made captain of the militia in that town. On the 1st of February in the same year, the town committees of safety assembled and elected field-officers for the lower regiment in Cumberland county, agreeable to the wishes of the New York Provincial Congress. On this occasion Mr. Fletcher was chosen quarter-master, and his nomination was confirmed before the end of the month.

On the 11th of June following, a committee of safety for Cumberland county was formed at Westminster. Mr. Fletcher was present as a delegate from Townshend, and took an active part in the proceedings. Companies of minute men were soon after raised, whose superiority resulted from the excellence of their drill, and their readiness to march at the beat of drum, wherever their services were needed. A company of this character was commanded by Captain Fletcher, and when, in 1777, Ticonderoga was besieged, all his men volunteered to march for its relief. On this expedition, with a party of thirteen, he attacked a British detachment of forty men, killed one of them, and took seven prisoners, without sustaining any loss himself. In August of the same year he was engaged in the battle of Bennington, and often in later years would speak of his participation in that struggle. He soon after received a major's commission, and continued to serve his country until after the defeat of Burgoyne. He was made a brigadier-general in the militia of Vermont on the 20th of June, 1781, and,

JOHN CHANDLER.

JOHN, the first son of Thomas Chandler, was born at Woodstock, Connecticut, on the 4th of March, 1737, O.S. (March 15th, 1737, N.S.), and was married to Elizabeth Painter on the 4th of May, 1758. He removed with his father to Chester in the year 1768, and aided in the early establishment of that town. Under a commission from New York, he was authorized to administer the necessary oaths to all persons who should receive office in Cumberland county. This post he held from July 17th, 1766, to April 14th, 1772. During the same period he served as an assistant justice of the Inferior court of Common Pleas and as a justice of the peace. He also held the office of county clerk from July 16th, 1766, to February 25th, 1772, when he was removed for misconduct. Of his future career very little is known.*

THOMAS CHANDLER JR.



THE second son of Thomas Chandler, and who bore the name of his father, was born on the 23d

of September, 1740, O.S., and was married to Sarah Lord on the 21st of July, 1763. At an adjourned meeting of the proprietors of New Flamstead, afterwards Chester, held at Worcester, Massachusetts, on the 22d of March, 1763, Thomas Chandler Jr. was chosen town-clerk. On the 8th of March, 1764, he was re-elected, and when on the 12th of March, 1765,

Vt., Oct., 1784, p. 15; June, 1785, pp. 17, 40, 43. Slade's Vt. State Papers, p. 497.

An account of the peculiar circumstances under, and the manner in which the burial of Judge Chandler took place, is given *ante*, pp. 583, 584.

* Council Minutes in office Sec. State N. Y., 1765-1783, xxvi. 228.

the proprietors assembled for business, at the dwelling-house of William Warner in New Flamstead, he was continued in the same office for another year. He was again elected town-clerk at the March meeting in 1777, and served in that capacity during the two years succeeding. From July 16th, 1766, until March 13th, 1775, the date of the "Westminster Massacre," he was an assistant justice of the Inferior court of Common Pleas for Cumberland county and a justice of the peace. Both before and after the event alluded to, he endeavored to allay the discontent of the people of the county, both by argument and persuasion, but failed to accomplish that end.

At the first session of the General Assembly of Vermont, in March, 1778, he was chosen secretary of state, and held that office until the following October. At the same time he received the appointment of clerk of the House. In October, 1778, he was made speaker, and served in that capacity until the middle of the session of 1780. During the years 1779 and 1780, he was a member of the Council; from 1778 to 1781, and in 1787, represented the town of Chester in the General Assembly; and in the year 1779 was a judge of the Superior court. When the estates of the Tories who had left Vermont were declared confiscated, he was chosen a commissioner of sequestration. Although disliked by many on account of a prejudice founded upon his former connection with the colonial government of New York, and charged with conduct which subjected him to the loss of his place as speaker of the House in 1780, yet his efforts in the town of Chester were always exerted in behalf of the American cause, and his patriotism was undoubted.

Having been reduced to poverty "by a long series of sickness in his family," he presented a petition to the Legislature of Vermont, dated October 15th, 1792, asking for an act of insolvency in his behalf. While the New Hampshire Grants were subject to the jurisdiction of New York, his position in the local government was high, and his influence, although circumscribed, was acknowledged. But under the *régime* inaugurated by the establishment of Vermont as an independent state, he gradually sunk into obscurity, and died it is supposed, although not as miserably, yet as much embarrassed as his father.*

* See Biographical Notice of AZARIAH WRIGHT.

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Notice has already been taken of his conduct on the memorable evening of the 13th of March, 1775. Warmly attached to the royal cause, and deeming those who should rebel against constituted authority as worthy of the direst punishment, his indignation knew no bounds when he saw the yeomanry whom he had been accustomed to regard only in the light of obedient subjects, demanding redress for wrongs, which, doubtless, appeared to him more imaginary than real, and enforcing the demand with manifestations whose import could not be mistaken. Actions performed in a moment of excitement cannot, however, be regarded as criteria of character. The few lines which are devoted to Mr. Gale in the account of the "Westminster Massacre" prepared by Reuben Jones, are, so far as they are intended to represent the actual disposition of the individual, entirely at variance with truth, and unworthy of the page of history. "Jones's sketch," a gentleman* of high respectability has observed, "conveys as false an impression of Mr. Gale as the daguerreotype would convey of the elephant which should represent that noble animal while his mouth is wide open to receive fruits." On the day following the outbreak, Mr. Gale was imprisoned in the jail at Westminster, and there remained until the 19th of March, when he was taken to Northampton, Massachusetts, where he was kept in confinement from March 23d to April 6th, when he obtained his release, and repaired to New York.

Here he continued to reside, his family having joined him, until February, 1776, when he was seized at night in his own house, and conveyed to a guard-house at the upper barracks in the city, where the troops from Connecticut were quartered. Thence he was soon after removed to Fairfield jail, in Connecti-

* Rev. Canon Micajah Townsend, of Clarenceville, Lower Canada.

cut, where he was placed in close confinement. Hoping to obtain his release, he wrote to John McKesson, secretary of the Provincial Congress of New York, requesting him to interfere in his behalf. His letter, dated the 29th of February, evinced by its style and expressions the honorable character of the writer. "You well know," he remarked, "that my sentiments have been uniform and steady, even if erroneous; and, therefore, I conceive myself entitled, at the least, to the privileges and protection which, by the laws of all Christian nations, are granted to prisoners of war. I call it prisoner of war, not as being an enemy in heart to any man breathing, but as being by birth and education one of that country between which and this country a war subsists. Let me request that I may either be allowed the privilege granted by all Christians to a prisoner of war; or else the birthright of a British subject—the writ of *habeas corpus*." He declared his belief that a design against his person had been formed by some of the inhabitants of Cumberland county, and referred to a document which had been drawn up in vindication of his own conduct, and that of the sheriff and *posse*, during the affray at Westminster. He described his place of confinement as "a common jail, where the cold wind through the bars (for the windows are not glazed) far exceeds the warmth of all the fire that is obtained," and asked to be accommodated with "a genteeler apartment."

This letter was considered by the New York Provincial Congress on the 5th of March, and the seizure of Mr. Gale was declared to be "a wanton act of military power, inconsistent with that liberty for which the colonists are contending." On the following day, Congress wrote to Maj.-Gen. Charles Lee, notifying to him the facts as they had been presented, and requesting from him a statement of the nature of the charge brought against Mr. Gale, in order that proper steps might be taken either for his discharge or punishment. In his reply, written the same day, Lee acknowledged that the arrest of Mr. Gale should have been made by the Provincial Congress, but gave as a reason for his conduct the assurances he had received from many respectable men, that Mr. Gale was "a most dangerous man, and ought not to be suffered to remain on Long Island," where, as Lee observed, "an enemy is more dangerous than in any other spot of America."

Information of the views of Congress in the matter, was sent to Mr. Gale by Secretary McKesson. In his answer, dated the

12th of March, Mr. Gale referred to a letter which he had written to Col. Benjamin Bellows (in which he had claimed a right to the records pertaining to his office as clerk of Cumberland county), as being the probable cause of his arrest. His remarks on this point were in these words : " Whoever construes the disliked expressions in my letter to Colonel Bellows to relate to others than those of the county of Cumberland, gives it a construction which was not thought of by me when I wrote it. I am not of opinion that you or many of your body hold their proceedings in a much better light than myself ; nor can I suppose that any one can think me blameable in forbidding a delivery of the records to any but myself or deputy." He then stated at length what his conduct had been ; that he had scrupulously abstained from disobeying the orders of those opposed to Great Britain ; that he had never been engaged in any " Tory plots ;" that the treatment he had received was far from being reconcilable with the principles of liberty ; and closed with this impassioned peroration : " Whether I return to New York or not, may the Almighty's will be done ! I flatter myself that, that nobleness of heart which characterizes the free-born Briton, that spirit in which malice or revenge hath never reigned, added to a conscience serene and clear, will enable me to pass through the various mazes and labyrinths of persecution, torture, or death, with all the patience and resignation of a martyr ; and should the apprehensions which I have mentioned grow into realities, I shall say with Balaam, ' Let me die the death of the righteous ; let my last end be like his ! ' "

Meantime, the committee of the Provincial Congress to whom the subject had been referred, reported on the 8th of March, that " the sole occasion for apprehending Samuel Gale, and sending him into confinement " had arisen from certain letters in the possession of Col. William Williams, a member of the said Congress, and that they knew of no other evidence against him. This report was taken up on the 16th of March, and, in view of its statements, a resolution was passed, declaring the opinion of Congress, that Mr. Gale ought to be forthwith released, inasmuch as he had been carried away and imprisoned " without any hearing, trial, or adjudication whatever." Notice of this decision was communicated to the chairman of the committee of Fairfield county, accompanied by a request for the immediate discharge of the prisoner. Mr. Gale was informed privately, of the resolve, but the committee concluding that

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"In the summer of 1773, Mr. Ira Allen, with three men, went from the block fort on Onion river, in pursuit of a Mr. S. Gale, who, with a number of men, was surveying in the district of the New Hampshire Grants, for the land jobbers of New York. Allen and his party traversed the district from east to west, through the townships of Waterbury, Middlesex, and Kingsland, to Moretown, *alias* Bradford, and Haverhill; and, at length, obtaining information of the surveyor's destination, they procured provisions and some spirits, and went again in quest of him. They discovered his line, and, by that, followed him to near the north-east corner of the present town of Montpelier. Here it ended, and he could not be traced further, because, being apprised of his danger, he made a corner on dry land, and thus precipitately escaped, and Allen came to the corner an hour after he fled. On the sixteenth day they reached the block fort, whence they set out."—pp. 45, 46.

of Crean Brush. In a description of the General Assembly of New York, given in the Connecticut Courant, under the date of April 10th, 1775, it is said of Brush that he "sold the clerkship of the county to Judge Wells's son-in-law." Of the truth of this statement, there are now no means of judging, but it is safe to conclude that it is greatly exaggerated, if not wholly false. On the 5th of May, 1774, Mr. Gale was honored with another mark of favor, in receiving a commission, authorizing him to administer the prescribed oaths to all persons appointed to office in the county.

Notice has already been taken of his conduct on the memorable evening of the 13th of March, 1775. Warmly attached to the royal cause, and deeming those who should rebel against constituted authority as worthy of the direst punishment, his indignation knew no bounds when he saw the yeomanry whom he had been accustomed to regard only in the light of obedient subjects, demanding redress for wrongs, which, doubtless, appeared to him more imaginary than real, and enforcing the demand with manifestations whose import could not be mistaken. Actions performed in a moment of excitement cannot, however, be regarded as criteria of character. The few lines which are devoted to Mr. Gale in the account of the "Westminster Massacre" prepared by Reuben Jones, are, so far as they are intended to represent the actual disposition of the individual, entirely at variance with truth, and unworthy of the page of history. "Jones's sketch," a gentleman* of high respectability has observed, "conveys as false an impression of Mr. Gale as the daguerreotype would convey of the elephant which should represent that noble animal while his mouth is wide open to receive fruits." On the day following the outbreak, Mr. Gale was imprisoned in the jail at Westminster, and there remained until the 19th of March, when he was taken to Northampton, Massachusetts, where he was kept in confinement from March 23d to April 6th, when he obtained his release, and repaired to New York.

Here he continued to reside, his family having joined him, until February, 1776, when he was seized at night in his own house, and conveyed to a guard-house at the upper barracks in the city, where the troops from Connecticut were quartered. Thence he was soon after removed to Fairfield jail, in Connecti-

* Rev. Canon Micajah Townsend, of Clarenceville, Lower Canada.

cut, where he was placed in close confinement. Hoping to obtain his release, he wrote to John McKesson, secretary of the Provincial Congress of New York, requesting him to interfere in his behalf. His letter, dated the 29th of February, evinced by its style and expressions the honorable character of the writer. "You well know," he remarked, "that my sentiments have been uniform and steady, even if erroneous; and, therefore, I conceive myself entitled, at the least, to the privileges and protection which, by the laws of all Christian nations, are granted to prisoners of war. I call it prisoner of war, not as being an enemy in heart to any man breathing, but as being by birth and education one of that country between which and this country a war subsists. Let me request that I may either be allowed the privilege granted by all Christians to a prisoner of war; or else the birthright of a British subject—the writ of *habeas corpus*." He declared his belief that a design against his person had been formed by some of the inhabitants of Cumberland county, and referred to a document which had been drawn up in vindication of his own conduct, and that of the sheriff and *posse*, during the affray at Westminster. He described his place of confinement as "a common jail, where the cold wind through the bars (for the windows are not glazed) far exceeds the warmth of all the fire that is obtained," and asked to be accommodated with "a genteeler apartment."

This letter was considered by the New York Provincial Congress on the 5th of March, and the seizure of Mr. Gale was declared to be "a wanton act of military power, inconsistent with that liberty for which the colonists are contending." On the following day, Congress wrote to Maj.-Gen. Charles Lee, notifying to him the facts as they had been presented, and requesting from him a statement of the nature of the charge brought against Mr. Gale, in order that proper steps might be taken either for his discharge or punishment. In his reply, written the same day, Lee acknowledged that the arrest of Mr. Gale should have been made by the Provincial Congress, but gave as a reason for his conduct the assurances he had received from many respectable men, that Mr. Gale was "a most dangerous man, and ought not to be suffered to remain on Long Island," where, as Lee observed, "an enemy is more dangerous than in any other spot of America."

Information of the views of Congress in the matter, was sent to Mr. Gale by Secretary McKesson. In his answer, dated the

12th of March, Mr. Gale referred to a letter which he had written to Col. Benjamin Bellows (in which he had claimed a right to the records pertaining to his office as clerk of Cumberland county), as being the probable cause of his arrest. His remarks on this point were in these words : " Whoever construes the disliked expressions in my letter to Colonel Bellows to relate to others than those of the county of Cumberland, gives it a construction which was not thought of by me when I wrote it. I am not of opinion that you or many of your body hold their proceedings in a much better light than myself ; nor can I suppose that any one can think me blameable in forbidding a delivery of the records to any but myself or deputy." He then stated at length what his conduct had been ; that he had scrupulously abstained from disobeying the orders of those opposed to Great Britain ; that he had never been engaged in any " Tory plots ;" that the treatment he had received was far from being reconcilable with the principles of liberty ; and closed with this impassioned peroration : " Whether I return to New York or not, may the Almighty's will be done ! I flatter myself that, that nobleness of heart which characterizes the free-born Briton, that spirit in which malice or revenge hath never reigned, added to a conscience serene and clear, will enable me to pass through the various mazes and labyrinths of persecution, torture, or death, with all the patience and resignation of a martyr ; and should the apprehensions which I have mentioned grow into realities, I shall say with Balaam, ' Let me die the death of the righteous ; let my last end be like his !' "

Meantime, the committee of the Provincial Congress to whom the subject had been referred, reported on the 8th of March, that " the sole occasion for apprehending Samuel Gale, and sending him into confinement" had arisen from certain letters in the possession of Col. William Williams, a member of the said Congress, and that they knew of no other evidence against him. This report was taken up on the 16th of March, and, in view of its statements, a resolution was passed, declaring the opinion of Congress, that Mr. Gale ought to be forthwith released, inasmuch as he had been carried away and imprisoned " without any hearing, trial, or adjudication whatever." Notice of this decision was communicated to the chairman of the committee of Fairfield county, accompanied by a request for the immediate discharge of the prisoner. Mr. Gale was informed privately, of the resolve, but the committee concluding that

they had no jurisdiction in the case, refused to comply with the request. In a third letter to Secretary McKesson, dated at Fairfield, on the 12th of April, Mr. Gale repeated his application for a release, and detailed the reasons why it should be granted; described the misery of his situation; and expressed his views upon the merits of the struggle between the colonies and the mother country, in terms which bore evidence to the sincerity, ability, and honesty of the man.

"In this intolerable place," he wrote, referring to the prison, "the wind, when cold, fairly chills every vein in my body. The smoke, when there is fire, not only blinds but nearly suffocates me; and the continual smell of the room has, I fear, tended to rot my very vitals. In the morning, I have perpetually a sickness at the stomach; about noon comes on a fever, which in about three hours is succeeded by an ague, sometimes more and sometimes less violent. Every one of these intolerable tortures were so inexpressibly increased by the excessive weather of Saturday the 30th ult., that they introduced thoughts and extorted expressions too wild to mention in cooler moments." Turning then to a consideration of the death whose "slow approaches, inch by inch," he could not fail to perceive, he remarked: "Though I conceive it a duty incumbent on every man, to use his endeavors for the preservation of his life, yet I never viewed death through so horrible a medium as some men do. I have lately learned to consider it as a matter of relief, rather than as a punishment. To leave the wife of my bosom a disconsolate widow, and the babes of my loins without a helper, is doubtless an unhappy reflection. But I am of opinion that a single stroke, however violent, would in the end be less grief to those I leave behind me, than a continuation of that suspense and anxiety of mind with which they are now totally overwhelmed." Do "some of my persecutors," he exclaimed, "want to dip their hands in the blood of a martyr? If so, it would in my opinion be far less criminal, both in the sight of God and man, for them to let it flow in decent streams than thus, with dastardly meanness, to drag it from me drop by drop."

A few days after this letter was written, Thaddeus Burr, the sheriff of Fairfield county, received the resolve of the Provincial Congress and released his prisoner on parole of honor. In a letter to General Washington, dated the 19th of April, Burr notified the course he had pursued, and asked for directions. Of Mr. Gale, he remarked: "He is an Englishman, a gentle-

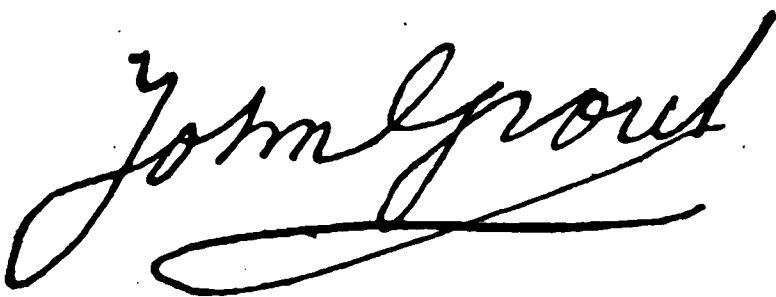
man of good education, and possessed of high notions in favor of his native country ; is frank and open in declaring his sentiments, but says he never has been, or will be active against the colonies." From an entry in the Journal of the New York Provincial Convention, under date of September 16th, 1776, it seems that Mr. Gale was then in the city of New York, and that he had been brought thither, by order of the New York Committee of Safety. In behalf of the Convention, James Duane and Robert Yates were appointed to examine him. To this committee Robert Harper was added on the 17th of September, and Col. William Allison on the following day. On the 21st, a committee was constituted for the express purpose of detecting and defeating conspiracies, and to them the examination of Mr. Gale, was finally referred. The immediate result of their investigations is not known. Ultimately, Mr. Gale was released from his parole of honor, and restored to liberty.

His sufferings, while in confinement, had not tended to lessen his hatred of the "rebel" cause, but on the contrary had strengthened his attachment to the government in whose behalf he had endured so many privations. Experience had also taught him, that he was ill-prepared to engage in civil commotions. Desirous of avoiding a repetition of scenes which, to him, had been fraught with sorrow and distress, he prudently removed with his family to Quebec, where he received the appointment of Provincial Secretary, under the administration of Governor Prescott. He subsequently accompanied his Excellency to England, to defend him with his powerful pen, in the difficulties which had arisen in connection with the Council in Canada. He had written and published an elaborate work entitled, "An Essay on Public Credit," involving many abstruse and extensive mathematical calculations on finance, having for its object the gradual extinguishment of the national debt of England. This work he presented for adoption to Pitt, then Chancellor of the Exchequer, by whom its correctness was admitted and its principles highly approved ; but who found it easier to put off the learned author with a pension for life, than to meet the public creditors with this book of financial reform in his hand, which might have cost him his place. In 1803 or 1804, Mr. Gale rejoined his family in Canada, where he lived in retirement, and died at his country residence in Farnham, on the 27th of June, 1826. He left a daughter, since deceased, and a son who has been an eminent lawyer and a judge of

King's Bench, at Montreal, where he now lives retired and respected.

Mr. Gale possessed an intellect of more than ordinary strength, and his writings were always pregnant with thought, and lucid in expression. In disposition, he was amiable and forgiving ; in manners, polished and gentlemanly ; in character, ingenuous, honorable, and conscientious.*

JOHN GROUT



THE second son and third child of John Grout, who was the father of fourteen children, was born at Lunenburgh, Massachusetts,

on the 13th of June, 1731. There he probably resided until he was thirty-five or thirty-six years old. The first intimation relative to any intention on the part of Grout to remove from Lunenburgh, is found in a letter signed by one James Putnam, dated at Worcester, Mass., September 3d, 1766, and written, as would appear from its contents, to some person resident on the New Hampshire Grants. In this letter Putnam says:—"Grout is desirous of settling in that part of the world where you live," and, in reference to his qualifications, adds, "he seems to have a peculiar natural talent for doing business at law and in courts." Grout did not change his abode immediately, for by a receipt dated April 22d, 1768, it appears that he was at that time, at Lunenburgh. It is probable that he soon after removed to the "Grants," and this opinion is strengthened by the fact, that he was at Charlestown, New Hampshire, in the following August. Before leaving the home of his nativity, he had married, and in the rapid increase of his family, had already shown a laudable desire to emulate his father. His advent was not hailed at Windsor, the place he had chosen for his new

* Journal of N. Y. Prov. Cong., i. 339, 340, 343, 347, 365, 627, 629, 630, 639 : ii. 119, 120, 178, 179, 183, 184. Am. Arch., Fourth Series, vol. v. cols. 341, 355, 390, 865-867, 991. Letter from the Rev. Canon Micajah Townsend, dated Clarenceville, C. E., July 1st, 1856.

abode, with that enthusiasm which is so grateful to the voluntary exile. On the contrary, the inhabitants of the little town regarded his coming as an unfortunate occurrence. Scarcely was he settled, when Nathan Stone, the justice of the peace, received a notice from Zedekiah Stone and Joseph Wait, the overseers of the poor, in which they stated that complaint had been made to them "by the principal inhabitants" of Windsor, that "John Grout and his wife, and family of five or six children" who had lately arrived, were "likely to become chargeable to the town." On this account, and to gratify the pauper-hating people of Windsor, the overseers prayed that a warrant might be issued for the removal of said Grout and his family.

Their prayer was granted, and Benjamin Wait and Ezra Gilbert were authorized to command the immediate exodus of the penniless lawyer and his dependents. Information of the course which the town authorities intended to pursue having been given to Grout, he, on the 22d of April, 1769, endeavored to obtain a stay of proceedings from the officers who had been sent to remove him. To this end, he gave a written promise, that if permitted to remain a few days longer, he would, at the end of the specified time, be ready with his family, "at nine of the clock in the forenoon" at his "dwelling-house in Windsor," "to be carried out of town." In case this request should be granted, he declared "on honor, and as a lawyer," that no harm should come of it, either to the town or its officers. It is probable that the days of grace were given, and it would also appear that when these had passed, he had made some arrangements for remaining in Windsor. He was there on the 27th of May following, and from a deposition made on the 31st of the same month, by Simeon Olcott, an officer of that town, it seemed that there was at that time, "not any copy of a warrant of any kind" in his hands against Grout, issued at the instance of Windsor people. On the 5th of June following, Elijah Grout, a younger brother, testified to a similar statement. Grout next appeared at Chester, of which place he was a resident in February, 1770. The events previously recorded, in which he had acted so prominent a part, happened during the summer of that year, and probably afforded sufficient exercise for the restless disposition of the unfortunate Grout.* About this period his son, "a lad of thirteen years of age," ran away from the paternal roof, and the

* See *ante*, pp. 161-168.

notice of this event which Grout published in the papers, and requested "all printers on the continent" to copy, was headed in staring capitals "Stop Thief! Stop Thief!" Notwithstanding the disrepute in which he was held by many, he obtained some business, and it appears on the 8th of March, 1771, he supplanted Thomas Chandler, one of the most influential men in Chester, as the attorney and land agent of Cornelius Vandenberg, of the city of New York.

Grout endeavored to obtain an impartial execution of the laws relative to the cutting of ship-timber, and was diligent in informing John Wentworth, the surveyor-general, of the shortcomings of his deputies. His zeal does not appear to have met with the reward it deserved. In a bond dated the 17th of April, 1773, given to Daniel Whipple, the sheriff of Cumberland county, Grout, in answer to a citation, agreed to appear in the city of New York on the third Tuesday of that month, to "answer to Richard Morris in a plea of trespass." From accompanying circumstances, it would seem that the trespass with which he was charged was the destruction of his Majesty's masting trees. He was not unfrequently sent with dispatches to distant places, and was always careful to execute his commissions with fidelity. On the occasion of a riot in Putney, early in the year 1772, he bore the intelligence of the disturbance to the city of New York. In the letter which he carried on this occasion to Governor Tryon, dated the 29th of January, Judge Lord, the writer, after detailing a narrative of the tumult, referred to Grout in these words:—"I have yet to crave your Excellency's patience and leave to recommend to your Excellency's favour Mr. John Grout, attorney-at-law, who hath suffered much by persons enemical to this government, and to him, on account of his firm attachment to it, and endeavours to maintain good order and justice therein. Truth itself obliges me to say, that his practice as an attorney in this county, has always entitled him to the good opinion of the court and the best gentlemen in the county, as I apprehend, although riotous persons and parties, friends to New Hampshire and enemies to good order, have given him much trouble, which he has borne with great magnanimity, and strove in a legal and dispassionate way to overcome. Your Excellency, being perfectly humane, will delight in protecting him." This extract represents Grout in a different aspect from that in which he has previously appeared. He was, it would seem, a warm sup-

porter of the claims of New York to the "Grants," and on this account was shabbily treated by those who adhered to the New Hampshire faction. An unhappy disposition, and a turn for pettifogging, were not the best equipments with which to meet this opposition, and yet these were the weapons which Grout appears to have brought to the combat.

Previous to the commencement of the Revolution, Grout expressed sentiments in opposition to the acts of the British ministry, and at a meeting held in Chester on the 10th of October, 1774, was chosen by the patriotic citizens of that town a member of a committee, who were directed to join with the general committee of Cumberland county, in preparing a report condemnatory of the late acts of Parliament, to be sent to the New York committee of correspondence. His patriotism appears, however, to have been of short duration. A letter attributed to him, written from the "South-east part of Cheshire county, March 10th, 1775," contains the most violent and obscene expressions relative to the "damned Whigs." Still, his views cannot be determined by this production, for, although the first impression which one would derive from its perusal, is that the writer, whoever he might have been, was a vile blackguard, destitute of principle, and unscrupulous in the expression of his opinions, yet a more careful examination suggests the idea that the communication might have been intended as an allegorical declaration of sentiments in favor of a revolutionary movement. This notion is supported by the closing paragraphs of the letter, which are in these words:—

"Be assured, Sir, that our Honored Master Beelzebub waited upon me yesterday, and Commanded me to write to you and Inform you, that it is his Royal will and pleasure, that you play Hell with the Court that shall set at Westminster next week.

"From your Friend and Brother,
"Apollyon.

"To the Faithful and Dearly beloved
"Dr. Jones ———

"P.S. Please to read this Epistle to all the Faithful Brethren and salute them, Charles Phelps and Doctor Harvey in particular, with a kiss of love."

Three days after the date of this letter, the courts were broken up at Westminster, and on that occasion, Dr. Reuben Jones, of Rockingham, and Dr. Solomon Harvey, of Dummerston, were prominent leaders among the Whigs.

On the 12th of April, 1775, Grout, who had been imprisoned for debt, received "his liberty" from Benjamin Archer, under-keeper of the jail at Westminster. Previous to this, he had satisfied certain judgments which had been obtained against him. His escape from this Scylla of confinement did not enable him to avoid the Charybdis of the people's hate. Having been denounced by John Chandler, and Thomas Chandler Jr., of Chester, as an enemy to his country, he, according to his own statements, was threatened by some with death, and by others with tortures "at the hands of the Green Mountain Boys." In this emergency, he declared his innocence of the crime charged against him, and wrote to Col. John Hazeltine, the chairman of the Cumberland county committee of correspondence, and to the chairman of the Walpole committee of inspection, for protection. He also made known his situation to the Rev. Samuel Whiting, of Chester, and begged him to use his influence "with these mad people," and thus save the county from becoming "an Aceldama or field of blood." In the latter part of the month of May, while confined to his bed by a fever, a party of men entered his dwelling, headed by Thomas Chandler Jr., and endeavored to drag him out of doors, but were prevented by the efforts and entreaties of his wife and his "good neighbours." On the following morning they renewed the attempt, and, having taken him about half a mile from his house, threatened to strangle him, but were induced to desist from executing this design. Having, through the efforts of his friends, regained his liberty, he claimed protection from the county committee. The chairman of that body thereupon ordered Chandler to desist from all attempts to injure Grout, which order Chandler promised to obey.

Though freed in this manner, from the annoyances to which his suspicious conduct had subjected him, he could not resist the temptation of disturbing the peace of the county. To effect this end, he commenced an epistolary attack upon the chairman of the committee of correspondence, Col. John Hazeltine. In a letter to this gentleman written from the "County of Hampshire, Province of Mass^{ts} July 10th, 1775," Grout accused him of presiding over the deliberations of a body of men whose acts were tyrannical, and whose conduct was contrary to every principle of right. He further declared, that it was for this cause "that a great many of the best people in the county of Cumberland who are substantial friends to

the Liberties of the people and the Sacred Rights of Mankind, and who are even willing to seal their Love of their Country with their Blood in Defence of it, Groan under the weight of the Oppressions of that Lawless Banditti of men, who having first put a stop to the Course of Civil Justice under the assumed name of sons of Liberty, are destroying not only the Semblance, but even the substance and shadow of Liberty itself.” In this style he continued through a long communication, to abuse the officers of Cumberland county, who in this time of emergency were directing their best efforts to secure to the people their rights, and to defend them from the machinations of Loyalists and Tories.

Later in the year, he addressed a “Memorial and Petition” to the “men that are assembled at Westminster in the County of Cumberland, who call themselves a County Congress.” In this remarkable production he accused the representatives of the people of usurpation and oppression; pictured their temporary government as a despotism; and branded their chairman as a tyrant. After detailing a few instances, in which they had been obliged for the good of the community, to exercise dictatorial powers, he continued in this strain:—“You proceeded on other business equally Infamous and Rascally, and then, like the Rump Parliament, adjourned yourselves. But your Sovereign, Col. Hazeltine, thinking good to call you together before the time you was adjourned to, did do it, and you met on the 15th of August Last, and Proceeded to business. And why should you not? The King, by the Constitution, has a Right to call, adjourn, prorogue and dissolve parliaments. King HAZELTINE did Right in calling you together before the Time you had adjourned yourself to. This was to Let you Know he was your King, and it was no more than duty to Obey your Prince. Indeed, it must be confessed it was a rascally Trick in you ever to adjourn yourselves, for that was an Infringement of your King Hazeltine’s Prerogative, for the King by his Prerogative has the sole Right of adjourning Parliaments.” The closing paragraphs of this memorial, although abounding in bombast and fustian, are sufficiently curious to warrant their presentation in this connection. “As for myself,” wrote this conceited but witty poltroon, “I belong to another order of men, who will neither Joyn with you, nor Oppose you. For why should I run with the Wind? Surely, if I should, it will outrun me. Or why should I fight with the wind? Surely,

there is not so much substance in the Skull of it, as that I could beat its Brains out with a Beetle. Surely, I will content myself with bearing your Blow, and will Say, Whoo-Raugh, Whoo-Raugh to your mighty Rushing. After a mighty wind comes a calm.

"Your petitioner most humbly prays, that you would be graciously pleased to annihilate yourselves, and Return into your Primitive Nothingness, unless the Good People of the County shall please to employ you about something.

"But, oh, mighty Chaos, if you will not condescend to grant this petition, I have another to make, which I beg of you not to deny me, which is this, that your almighty Nothingships would be pleased to Honour your Petitioner, who heartily Despises you, by making him first General and Commander-in-Chief of all your despisers, that so he may be at the head of nine-tenths of the good people of this county. And your Petitioner as in Duty bound shall ever pray."

In the fall of the same year, he was brought before the committee of Chester, on a charge which had been preferred against him of speaking disrespectfully of the Continental Congress and the county committee. A quarrel having arisen among the members in respect to the manner in which the trial should be conducted, Grout refused to make any defence, and remained wholly inactive during the proceedings. By a portion of the committee, he was adjudged to be an enemy to his country. From this decision he appealed to the county committee. The subject came before them on the 29th of November, but they refused to sustain the appeal, and ordered him to withdraw it. At another meeting held on the 24th of July, 1776, a complaint was exhibited by John Chandler against Grout. The members being unwilling to act upon it, referred it, at first, to the Chester committee, but by a subsequent vote recalled the reference and resolved to receive Grout's answer at their session in the following November. On the 8th of that month, a complaint against Thomas Chandler, Jr., was presented by Grout, to the county committee, accusing him of maltreatment. "After maturely deliberating upon the case," the committee ordered Chandler to pay to Grout "the sum of Six Pence, York Currency." The costs of the investigation were divided equally between them, and both were "Reprimanded by the Chairman in presence of the whole Board." Grout suffered on other occasions from the patriotism or maliciousness

of the Chandlers, and through their influence and that of others connected with them, he was taken prisoner at Charlestown, New Hampshire, on the 27th of December, 1776. On the 2d of June, 1777, he was a resident of Chester, but soon after removed to Montreal, where he assumed his true character, that of a British subject, and is said to have become "a distinguished lawyer."*

He resided in Canada during the remainder of the war, and probably for several years after its close. His end was as tragic as his life had been turbulent and unhappy. With a large sum of money in his possession, which he had collected for some person residing in one of the states, he left Canada for the purpose of conveying it to the owner, and was never afterwards heard of. For a long time it was supposed that he had been drowned in crossing Lake Champlain. Many years after his sudden disappearance, a man was convicted of some crime punishable by death. Previous to his execution he acknowledged his guilt, and, in detailing the dark transactions of his life, confessed that he had murdered John Grout for the purpose of obtaining the money which he carried. He also described the place where he had buried the body. A search having been instituted, human bones were found at the spot he had designated.

Hilkiah Grout, whose name has occurred in these pages, was a brother of John, and was born at Lunenburgh, Massachusetts, on the 23d of July, 1728. He lived for many years on the banks of Black river in the town of Weathersfield, in Windsor county, Vermont, and there died, leaving a large family of children. Some of these were born previous to the time when his wife and some of her family were carried captive to Canada. Others were born after her return from bondage.

Elijah Grout, another brother, born at Lunenburgh, Massachusetts, passed the greater part of his life, and died, at Charlestown, New Hampshire.

Jonathan Grout, born also at Lunenburgh, a third brother of John, resided at Petersham, Massachusetts. He obtained the

* By an act of the General Assembly of Vermont, passed in February, 1779, those persons who had voluntarily left that state, or any one of the United States, and "joined the enemies thereof," were forbidden to return to Vermont. Accompanying this act were the names of one hundred and eight persons to whom its provisions particularly referred. In the list appeared the name of John Grout of Chester.—Acts and Laws Gen. Ass. Vt., Feb., 1779, p. 72. Slade's Vt. State Papers, pp. 355, 356.

charter of Lunenburg, a town in Essex county, Vermont, and owned nearly all the territory comprised within its limits.*

LOT HALL



was born at Yarmouth, in Barnstable county, Massachusetts, in the year 1757. Of his youthful

days little is known. It is certain, however, that he enjoyed all the advantages of a good school education, and that he diligently improved whatever opportunities were offered him of obtaining information. At the commencement of the revolutionary war, he warmly espoused the cause of the colonies, and eagerly awaited the hour that should see him engaged in the service of his country.

In accordance with a resolution of Congress, passed on the 18th of July, 1775, recommending to each colony, to provide for the protection of its harbors and navigation, "by armed vessels, or otherwise," South Carolina endeavored to render her maritime position more secure. On the 16th of January, 1776, the delegates from South Carolina informed Congress that their colony, "being in want of seamen, had given orders to offer high wages to such as would engage" in her service, and desired the advice of Congress on the subject. The committee to whom the matter was referred, reported on the 19th, recommending to Captain Robert Cockran who had been sent from South Carolina to obtain seamen, to offer to each able-bodied seaman, who would enter the service of that colony, wages at the rate of \$8 per month, an immediate bounty of \$9, and upon reaching South Carolina, a further bounty of \$5. The captain was commended to the favor of Washington, who, on the 30th of January, promised to "give him every assistance" within his power.

In the month of May following, young Hall procured enlisting orders from Elijah Freeman Payne, who was then the lieu-

* MS. Records, Cumberland Co. Com. Safety. Grout's MS. Letters. Letters from Harry Hale, Esq., of Chelsea, Vt., December 1st and 17th, 1852. Doc. Hist. N. Y., iv. 758, 759, 766.

tenant of a twenty-gun ship lying at Charleston, South Carolina, commanded by Captain Cockran. This ship, which was called the Randolph, had been fitted out by South Carolina, as a part of her proportion of the continental navy, and in accordance with the recommendations of Congress, which had been adopted on the 18th of July, 1775. Payne had promised Hall a lieutenancy in the marine department, provided the latter should enlist fifteen men and transport them to Providence, Rhode Island. Entering upon his task with energy, and determined to win the station which had been offered him, Hall in a short time enlisted twenty-nine men and a boy, residents of Barnstable county, and having procured a schooner, commanded by Capt. Samuel Gray, conveyed his recruits to the place appointed. He then went to Stonington, Connecticut, where he purchased six small cannon of Joseph Dennison, and returning to Providence obtained a schooner of about fifty tons burthen, belonging to Clark and Nightingale, and, with his men, sailed for Stonington, to take on board the cannon. Becoming convinced by this short trip, that the schooner would not carry sail sufficient to render her serviceable, either in giving chase, or in conducting a retreat, he procured another at Stonington named the Eagle. This vessel was immediately fitted out with provisions and warlike stores, and in her Captain Payne and Lieutenant Hall put to sea, in the month of June, with the intention of making a cruising passage to Charleston, where they and their men were to join the Randolph.

The commencement of the expedition was attended with success. Three prizes were taken—the Venus, George Collas, master, on the 23d of August; the Caledonia, Alexander McKinlay, master, on the 30th of August; and another vessel the name of which is not known. These were manned with seamen from the crew of the Eagle, and the little fleet set sail for the port of Boston, where the Venus, under the charge of Wait Rathburn, prize-master, arrived on the 20th of September, and the Caledonia, under the charge of Nathaniel Thompson, prize-master, on the 23d of the same month. As the Eagle was convoying in the third prize, she (the Eagle) fell in with and captured the ship Spears, from the bay of Honduras bound for Glasgow, Scotland. The Spears being short of provisions, it was deemed advisable to increase her supplies, and to transfer to her all the prisoners on board of both the Eagle and the prize then under convoy. This was accordingly done, and by

the direction of Captain Payne, Lieutenant Hall, as prize-master, took the command of the *Spears*, with orders to keep company with the *Eagle*. For this purpose he was furnished with private signals, by the help of which he was enabled to pursue the prescribed course for ten days, when the vessels were separated "by a hard gale of wind and foggy weather." Captain Payne, in the *Eagle*, succeeded in reaching Boston, and on his arrival delivered to the proper authorities Captain Lamont of the *Spears*, whom he had taken prisoner.

Soon after the *Spears* separated from the *Eagle*, the prisoners on board the former vessel mutinied. Lieutenant Hall's men were so few in number that they were unable to quell the disturbance, and, on the 13th of September, he was deprived of the command of the ship. The mutineers then held a long consultation, and agreed to make for Newfoundland for the purpose of procuring provisions. On reaching the Banks, they fell in with a brig from Falmouth, England, and from her captain, who was of course friendly to the cause of Great Britain, they obtained supplies. From Newfoundland they set sail for Glasgow. On arriving at that port, on the 13th of October, Lieutenant Hall was taken into custody by the authorities of the city, and confined in prison. Having learned that the Mayor of Glasgow was a free-mason, Lieutenant Hall informed him by letter that he was a member of that brotherhood, and craved his assistance. He soon after was visited by the mayor in person, who obtained for him an extension of the liberties of the prison to a circuit of two miles; provided him with clothes and writing materials; and invited him to dine at his mansion. From this gentleman Lieutenant Hall received many favors which tended to lessen the tedium of durance, and he ever after retained the profoundest sentiments of gratitude and esteem towards his noble benefactor.

On the fifth of April, 1777, Captain Lamont of the *Spears* arrived at Glasgow, and Lieutenant Hall was discharged from imprisonment, but no provision was made to enable him to procure a passage home. Finding a vessel belonging to an American citizen and engaged in the revenue service, he embarked on board of her, and at the Isle of Man, and at Whitehaven also, endeavored to obtain a passage either to France or the West Indies, but was unsuccessful. Returning to Scotland, he took passage to Ireland, where, according to his own declaration, he "found the people very kind and civil, as well as warmly

attached to the American cause." Having revealed to them his circumstances and condition, they provided for him "in a genteel manner" until the following August, when he sailed in the ship *Glorious Memory* for the West Indies, and arrived at Barbadoes in October. Thence he took passage for Antigua, and from that port sailed to St. Eustatia. Here he met with Captain Hinson of the *Duke of Grafton*, on board of which vessel he sailed for Virginia. When within Capes Charles and Henry, the *Duke of Grafton* was captured on the 28th of December by the *St. Albans*, a British man-of-war of sixty-four guns, commanded by Robert Onslow, then lying in Hampton road, and Lieutenant Hall was again made prisoner. During the time of this second captivity, which lasted but ten days, his sufferings on board the *St. Albans* were "everything that British insolence and cruelty could inflict, short of actual violence." Through the interposition of Patrick Henry, then Governor of Virginia, Lieutenant Hall was exchanged, and having been provided by his Excellency with a horse and money, set out on his journey home.

On reaching Pennsylvania, his money being exhausted, he presented a memorial to Congress on the 23d of January, 1778, in which he recounted the scenes through which he had passed during the eighteen months preceding, and asked either for a situation on a continental vessel, or means sufficient to enable him to reach Boston. The subject was referred to the marine committee, but no record of their report appears on the pages of the Journals of Congress. By the assistance of his friends, and his "utmost exertions," he reached Barnstable on the 22d of February following. For these services he afterwards endeavored to obtain the "pay allowed by the then naval establishment to officers of his rank," but failed to receive the well-earned reward. Many years after his death, Congress recognized the justice of the claim he had presented, and awarded to his descendants a portion of that remuneration which he should have received for his valuable services in behalf of his country.

On returning from captivity, Mr. Hall commenced the study of law at Barnstable, in the office of Shearjashub Bourne. Here, it is supposed, he remained until the latter part of the year 1782, when he removed to Vermont. At Bennington, where he at first took up his abode, he remained but a short time. In the year 1783 he was at Westminster, as appears by

an entry in the records of the Council of Vermont, dated on the 18th of October in that year at Westminster, and signed by him as secretary *pro tempore*. On the 13th of February, 1786, he was married in Boston, by the Rev. John Clark, to Mary Homer, of that place.* He afterwards purchased a dwelling on the flat, in the north part of Westminster, and by diligent attention to his profession, obtained a good practice and an honorable reputation. He was chosen to represent the town in which he resided, in the General Assembly, at the sessions in 1789, 1791, 1792, and 1808. With Paul Brigham, Samuel Hitchcock, and Lemuel Chipman, he was appointed a presidential elector by the General Assembly, at their session in 1792, and, with his colleagues, cast the vote of the state for George Washington and John Adams. By an act of the General Assembly, passed on the 1st of November, 1800, incorporating Middlebury college, he was constituted a fellow of that institution, and served in that capacity until the time of his death. In 1799 he was a member of the Council of Censors, and for seven years—from 1794 to 1801—was a judge of the Supreme court of the state.

While holding this latter position, he discharged the duties of his office with great fidelity and credit. A charge delivered by him to the grand jurors of Windham county, at a session of the Supreme court, held at Newfane in the year 1798, was described in the "Farmer's Museum," a celebrated newspaper of that period, as a production "replete with sound principles and the very essence of federalism," and "honourable to its author as a politician, as a scholar, and as an ardent federalist." "At this juncture," observed the editor of the same journal, "we conceive that charges of such a complexion, coming from the grave authority of a judge, are eminently impressive, convincing, and useful." At a session of the Supreme court held in Windham county, during the month of August, 1800, Judge Hall again charged the grand jury in an able and eloquent

* At the time of her marriage, Miss Homer, who was an orphan, was only fifteen years of age. Under the title of "A True Story," a very romantic account of the circumstances attending her courtship and marriage appeared in the "Herald of Freedom," in December, 1789. In this narrative, Ophelia represents Miss Homer; Lysander, Mr. Hall; and Alphonso a disappointed lover. The "True Story" was copied into the "Barnstable Journal" in August, 1829, and was reprinted in the "Troy Daily Post" on the 21st of February, 1845. Mrs. Hall outlived her husband many years, and died on the 21st of February, 1843, aged seventy-two years.

manner. His address on this occasion was subsequently published at their request. In the course of his remarks, he adverted to the character of Washington, whose death had lately occurred, in these words :—

“ Our country has sustained an irreparable loss by the death of this greatest and best of men. To bestow on him the epithet of great, would be but common praise. His name alone expresses enough. The simple name of WASHINGTON will be remembered with veneration and respect by posterity, when all the titles of human greatness and distinction have sunk beneath the stroke of time. All our orators and poets have vied with each other to do justice to his merit, and sacred and profane history have been ransacked to find his equal. When the parallel has been drawn between him and Moses or Solomon in sacred history, or between him and the greatest characters, both ancient and modern, that profane history can boast, they appear but diminished spectres. His deserved fame eclipses every other name.

“ His character in private as well as public life, is without a blemish. He seems to have possessed every accomplishment which makes a man either amiable or estimable. His sentiments of religion were noble and elevated. His regard for Christianity was evidenced by a respectful attendance on its instituted forms of worship, and by treating with equal candor and indulgence all denominations, without preferring one to the other. His gentle and amiable disposition endeared him to his private friends. His graceful manners engaged him the affections of all orders of the people. He was one of the most accomplished men of the age, and possessed all the great qualities both of body and mind, natural and acquired, which could fit him for the high station to which he attained. The affability of his address encouraged those who might be overawed by the sense of his dignity and wisdom. Though he often indulged his facetious humor, he knew how to temper it with discretion, and ever kept at a distance from all indecent familiarities with those about him. He loved and practised the virtues of domestic life, which seldom hold their residence among the great. He was chaste and temperate, enjoying without excess the social pleasures of the table. All his titles of greatness were adorned by the tender name of a faithful husband and an indulgent parent, for, though childless himself, he embraced as his own the children of his brother and sister, and the ex-

pressions of his regard were extended to the most distant and obscure branches of his numerous kindred. His familiar friends were judiciously selected. He respected the good and the virtuous, who with the innocent were rewarded by his judicious liberality, while the more diffusive circle of his benevolence was circumscribed only by the limits of the human race.

“When not engaged in war, he cultivated the arts of peace. That he delighted in farming, is evident from his following the plough in his native soil, and from the great improvements he made in every branch of agriculture. That he wished to be useful in ordinary life, was evidenced by his acting as a member of assembly, a magistrate, and sitting as a common juror in a court of justice, in the county where he resided. Washington was not stimulated by avarice, fired by ambition, nor did he thirst for conquest. It should ever be remembered that he was never engaged in any offensive war. His whole military career is rendered more glorious and resplendent, when it is considered that he always fought in defence of his country. His mild disposition was ever respected by the good and virtuous, while the vigor of his character struck terror into the degenerate and guilty. No more lives were sacrificed under his command, than the fate of war rendered inevitable. Although he always considered the exercise of strict justice as the most important duty of his official life, yet the exercise of mercy was his most delightful employment. Should his enemies doubt this, I call on them to read, if they can, without emotion, his letter to Captain Asgill, containing the pleasing yet unexpected tidings of his enlargement from what he had long dreaded as a dismal confinement.

“Heaven seems to have sent him upon earth, to serve at once as an example of that perfection of which human nature is capable, and of that happiness it may enjoy in private life—and at the same time, to have liberally endowed him with those public virtues, which sometimes raise human nature above itself. In short, nothing seems wanting to grace the perfection of his character. He sustained adversity with firmness, and prosperity with moderation. The power and sublimity of his genius transcended the fame of Cæsar, and his consummate wisdom and prudence, that of Augustus. His superiority in peace, as well as in war, has been acknowledged by all, and even his enemies have confessed, with a sigh, his great and shining accomplishments, and that he loved his country and

deserved the empire of the world. Though we cannot expect to reach the transcendent height of his public honors and military glory, yet with respect to the exercise of his private and domestic virtues, we may in some measure be imitators of him. Let us, then, copy his bright example. Let us live and act as he advises, and in this way shall we more convincingly evidence our regard for his memory, than we should, were we daily to repair to his sepulchre, and bedew with tears of sincere regret, that stupendous monument of our country's salvation."

While attending the General Assembly, during their session at Montpelier, in the autumn of 1808, Judge Hall was seized with a violent catarrhal affection which assumed an incurable form, and caused his death on the 17th of May, 1809. In his "Descriptive Sketch" of Vermont, published in 1797, Dr. John A. Graham observes of Mr. Hall:—He "is one of the judges of the Supreme court, which office he fills in such a manner as to reflect honour, even on so important a station. His memory is so wonderfully tenacious, as to make him master of every subject he reads or hears, and to enable him to recapitulate them without the slightest hesitation or previous study." As a friend, Mr. Hall was constant, confiding, and generous. As a citizen, patriotic, public-spirited, and liberal. As a husband, obliging, affectionate, and gentle. He was ever ready to assist the poor in their misery, and the afflicted in their suffering. Nothing aroused more fully his resentment than the oppression of the weak by the strong.* His legal abilities were of a high order, and were well suited to the times in which, and the people among whom he lived. While on the bench, his opinions were prepared with deliberation, and his decisions were ever based in justice and right. His fund of anecdote was great, and a memory of surpassingly retentive powers enabled him to call up on any occasion, incidents illustrative of whatever topic might be under consideration. This remarkable faculty, com-

* An instance of his readiness to espouse the cause of the oppressed was seen in the attempt which he made—at a meeting of the "church of Christ" in Westminster, held on the 27th of May, 1795—to defend Mrs. Bethiah Holton, a member of that church, against whom he thought an undue severity was being exercised, on account of her avowal of the belief "that all mankind will finally be restored to the Divine favor through the sufferings, death, and atonement of Christ." An account of the proceedings on this occasion, and a report of Judge Hall's remarks, were published in the "Farmer's Weekly Museum," on the 2d of June, and the 7th of July, 1795, and in the "Rural Magazine: or Vermont Repository," for June, 1795.

bined with an extensive experience of men and things, and an affable disposition, rendered his conversation not only agreeable but instructive. Though dying in the fifty-third year of his age, his life was an active one, and his personal and political influence was felt and acknowledged in the community in which he resided.*

THOMAS JOHNSON.

In the year 1762, Thomas Johnson, then in the twenty-first year of his age, removed from Hampstead, New Hampshire, to Newbury on the New Hampshire Grants. In the service of Col. Jacob Bayley he was entrusted with the care of that gentleman's lands, which were situated on the west side of the Connecticut, and were subsequently comprised within the limits of Newbury. The charter of Newbury was granted by Benning Wentworth, on the 18th of March, 1763, and in the same year Mr. Johnson became a resident of the town, and there purchased lands. At this time there was no road in any direction leading from Newbury, and bread-stuffs and all articles of furniture, agriculture, and consumption, were brought on horseback from the head waters of the Merrimac, or in boats from Charlestown, eighty miles below. The new settlement rapidly increased in population, and its rich acres were soon converted into well-cultivated farms. In the summer of 1775, Mr. Johnson, who then owned large tracts of land, and had become a successful merchant, built for the accommodation of himself and family, a large house, which is still standing, and which even at this day, is one of the best and most spacious dwellings in the town.

At the commencement of the Revolution, the inhabitants of Newbury, who were nearly all Whigs, held a town meeting,

* Journals Am. Cong., ed. 1823, i. 119, 238, 240. Sparks's Writings of Washington, iii. 270. Almon's Remembrancer, ii. 353: iii. 130: iv. 264, 317. House Documents of 26th Cong., 1st session, No. 58. Deming's Cat. of Vt. Officers, *passim*. Thomas's (Mass.) Spy, Dec. 13th, 1792, No. 1028. Farmers' Weekly Museum, or New Hampshire and Vermont Journal, Walpole, N.H., Sept. 3d, 1798. Farmers' Museum, or Literary Gazette, Walpole, N. H., August 18th and 25th, 1800. Graham's Vt., p. 111. Beckley's Hist. Vt., p. 124. Acts and Laws Vt. 1800, pp. 36-40. *Ante*, p. 453.

and in the most deliberate manner declared themselves independent of Great Britain, and entered the declaration in the records of the town. During the latter part of March and the early part of April, 1776, Mr. Johnson traced out on foot, through an unbroken wilderness and the melting snows of spring, a path for a military road from Newbury to St. John's. His journal of the survey was sent to General Washington. The object of this examination was to ascertain a practicable and short route for the invasion of Canada. Several other explorations of a similar character were made at this period, but circumstances never afterwards favored an expedition which was so strongly desired, so long contemplated, and once actually organized under La Fayette. In the year 1777, Mr. Johnson at that time holding a captain's commission, raised and took the command of a company, which served under General Lincoln, whose head-quarters were at Manchester. With this distinguished officer, Captain Johnson was for some time connected as aid-de-camp. In September of the same year, General Lincoln sent five hundred men, of whom Captain Johnson's company formed a part, to reconnoitre Ticonderoga and Mount Independence. The former post was taken, and the latter was besieged for several days.

In a letter to his wife, dated the 12th of September, 1777, in camp, near Mount Independence, Captain Johnson observed:—"I have had little sleep these three nights, for the roaring of cannon and the cracking of guns are continually in our ears. I must say that I felt ugly when I first heard the firing. I have had but few chances of firing my gun at the enemy. When I fired the first time, they gave me three for one. The cannon-balls and the grape-shot rattle like hail-stones, but they don't kill men. I don't feel any more concerned here, than I did at home in my business." Of the prisoners taken at Crown Point during this expedition, one hundred were placed in the charge of Captain Johnson, who conducted them to Charlestown, New Hampshire, where he delivered them to a continental officer, who led them into country quarters. Captain Johnson then returned to Newbury, where he was actively employed for the next four years in improving his estate. During this period he was honored by the Assembly of New York with a lieutenant-colonel's commission in the militia. On account of his participation in the transactions at Ticonderoga, Colonel Johnson was narrowly watched by the British, who sought to take him.

The method of his capture on the morning of the 8th of March, 1781, while at Peacham, and the treatment he received during his detention in Canada, have been already detailed.* On the 5th of October following, he was released on parole of honor, having first pledged his faith to General Haldimand in a written agreement, that, until he should be "legally exchanged," he would "not do or say anything contrary to his Majesty's interest or government," and would "repair to whatever place his Excellency or any other, his Majesty's commander-in-chief in America," should designate. This parole was the cause of great trouble and anxiety to him during the year 1782. He sometimes received visits from spies, with whom, on account of his peculiar relations with the enemy, he was obliged to hold communication. A knowledge of an intercourse of this nature subjected him to suspicion as a traitor, and rendered his situation very unpleasant. To free himself from an imputation so galling to his honor and patriotism, he communicated to General Washington all the information he had obtained during his captivity, concerning the designs of the British; detailed to him the measures he had taken to gain his liberty; revealed to him his motives for adopting the course he had pursued since his return from Canada; enclosed him a copy of the agreement he had made with General Haldimand; and prayed that some means might be taken to effect his exchange, and restore him to perfect freedom.

Furnished with letters of introduction from the Hon. Meshech Weare, President of New Hampshire, and Nathaniel Peabody, a respected citizen of that state, Colonel Johnson visited General Washington in the latter part of the year 1782. The result of this interview is not known. It is certain, however, that the conduct of Colonel Johnson met with the full approbation of General Washington. Fearing that he should be recalled to Canada, Colonel Johnson absented himself from home, and did not return until after the 20th of January, 1783, the date of the declaration of peace. On one occasion, and while subjected to his parole, he was informed that the British had laid a plan to capture his friend and neighbor, Gen. Jacob Bayley. At the risk of his own life and liberty, he forewarned the General of his danger, and enabled him to escape it. Among the gentlemen with whom he was in correspondence, and for whom he

* See *ante*, pp. 404-408.

procured intelligence concerning the British, was Capt. Ebenezer Webster, of Salisbury, New Hampshire, the father of Daniel Webster, who in the year 1782 commanded the militia raised for the protection of the northern frontiers, and was stationed for a time at Newbury.

The patriotism of Colonel Johnson, though subjected to many severe trials, was ever pure and perfect, and his worth and integrity were undoubted. He possessed the entire confidence of his fellow-townsmen, and represented them in the General Assembly of Vermont, during the years 1786, 1787, 1788, 1789, 1790, 1795, 1797, 1799, 1800, and 1801. He was born in Haverhill, Massachusetts, on the 22d of March, 1732, O. S., and died at Newbury on the 4th of January, 1819, at the age of seventy-seven years. His father was John Johnson, who was born in Haverhill, Massachusetts, on the 15th of November, 1711. His great-great-grandfather was William Johnson, who in the year 1634 or 1635 was one of the founders and proprietors of Charlestown, Massachusetts, and who emigrated from Herne Hill, in the county of Kent, England. Edward Johnson, a brother of William, was a proprietor and founder of Woburn, Massachusetts, and was the author of a quaint history of the colony, which has now become a rare work.*

JOSEPH KELLOGG.

WHEN the town of Deerfield was destroyed by the Indians, on the 29th of February, 1703, Joseph Kellogg, then a lad of twelve, with his brother Martin Jr., and his sisters Joanna and Rebecca, was taken captive and carried to Canada. Here he remained with the Indians a year, and was then delivered to the French, with whom he spent the ten years succeeding. During this time he travelled with traders, and by participating in their negotiations, not only acquired the French language, but the tongues of all the tribes of Indians with which the French were engaged in traffic. Of the dialect of the Mohawks his knowledge was especially thorough. In this manner, to use

* MSS. in the possession of the Johnson family. Powers's Hist. Sketches of the Coos Country, pp. 48, 180, 181, 194-221. Deming's Cat. of Vt. Officers, *passim*. Graham's Descriptive Sketch of Vt., p. 149.

his own expressions, he "got into a very good way of business, so as to get considerable of moneys and other things, and handsomely to support himself, and was under no restraint at all." Yielding to the solicitations of his brother, and encouraged by Colonel Stoddard and Mr. Williams, he returned home in the year 1714, and two years later was placed in the pay of government. Thus did he obtain a livelihood until the year 1722, when he was employed by the province of Massachusetts Bay to perform journeys to Canada, Albany, and other distant places. Of his more specific duties there still remain a few data, which, it is reasonable to suppose, may be regarded as reliable. In 1722, he commanded a company of ten men at Northfield. It also appears by a memorandum dated the 26th of July, in the same year, that he was a lieutenant under Samuel Barnard, and acted also as an interpreter. He was captain of a company at Deerfield in 1723, and of another at Suffield, Connecticut, from November, 1723; to May, 1724. On the 9th of November, 1723, he was ordered to scout on the northern frontier of Hampshire county. His skill in Indian signals, and modes of ambush and warfare, enabled him to meet the savage foe on terms almost equal. In obedience to a command dated the 22d of May, 1724, Colonel Kellogg, as he was then designated, attended an Indian conference at Albany, in company with Colonel Stoddard. In the same year he sent out several scouting parties, of whose routes and doings he preserved a journal, which he afterwards sent to Lieut.-Gov. William Dummer. As a specimen of documents of this kind, it is here inserted:—

"May it please your Honour.

"These wait upon your Honour, to present my humble Duty to you, and acquaint you with my proceedings. Pursuant to your order, I have sent out several scouts, an account of w^o I here present your Honour with.

"The first on November 30, w^e went on y^e west side of Connecticut River, and crossing y^e West River went up to y^e Great Falls and returned, making no discovery of any Enemy.

"The next scout went up y^e West River 6 miles, and then crossed y^e wood up to y^e Great Falls, and returned, making no discovery of any new signs of an enemy.

"The next scout, I sent out west from Northfield about 12 miles and from thence northward, crossing West River thro y^e

woods; then steering east, they came to y^e Canoo place about 16 or 17 miles above Northfield.

“The next scout I sent out northwest, about 6 miles; and then they steered north until they crossed West River, and so thro y^e woods to y^e Great Meadow below y^e Great Falls, then they crossed Connecticut River and came down on y^e East side untill they came to Northfield without any new Discovery, this Meadow being about 32 miles from Northfield.

“The next scout I sent up y^e West River Mountain, and there to Lodge on y^e top and view Evening and Morning for smoaks, and from thence, up to y^e mountain at y^e Great Falls and there also to Lodge on y^e top and view morning and evening for smoaks; but these making no discovery, returned.

“The next scout, I sent up y^e West River 5 miles and then north till they came upon Sextons River, 6 miles from y^e mouth of it, w^h empties it self at y^e foot of y^e Great Falls, and then they came down till they came to y^e mouth of it, and so returned, but made no discovery of any enemy.

“I have here given your Honour a true account of the several scouts I have sent out, and I should have sent out many more, but y^e great difficulty of high water and unfavorable weather, and very slippery going and snow, has prevented any greater proceedings therein.”

Finding that these employments, though necessary and laborious, scarcely afforded him the means of living, he petitioned the General Court of Massachusetts, on the 4th of January, 1727, for “some reward or assistance.” In answer to his prayer, a grant was made him of two hundred acres of the unappropriated lands in the county of Hampshire. In the same year, Fort Dummer was converted into a garrisoned trading-house, and the charge of it was given to Captain Kellogg. Here he remained as commander and truck-master until the year 1740. But these employments did not hinder him from engaging in others. He was appointed on the 19th of October, 1733, with Timothy Dwight and William Chandler, to lay out the townships at Pequoiag, and on Ashuelot river in New Hampshire. In the year 1736, he received a warrant to act as interpreter for the Bay province to the Indian nations, which warrant was confirmed by a more specific commission, dated in 1740. From this time until the year 1749, he received pay from the Fort Dummer establishment as interpreter, and,

according to his own candid statement, "acted as such with great fidelity, and to the acceptance, as he hopes, of the government." He was present at the Indian conference held at the fort, on the 5th and 6th of October, 1737, and bore an important part in the transactions of that occasion. From 1749 until 1753, he was variously occupied, but, as it appears from a petition dated on the 30th of May, in the latter year, had not at that time received pay for his services during the four years preceding. He was also employed for fifteen months as an interpreter in the school which was established by the Rev. John Sergeant and Ephraim Williams, Esqr., at Stockbridge, for the education of Indian youths. In the year 1754, he was present at the celebrated Albany treaty, "which was attended by a greater number of respectable personages, from the several provinces and colonies, than had met upon any similar occasion."

His services in behalf of government do not seem to have met with the reward they merited, and a petition presented by him to the General Court, on the 29th of May, 1755, shows that the arrearages for which he had asked two years before, had not yet been paid him. In the year 1756, though broken in health, and at the age of sixty-six, he was persuaded by General Shirley to accompany him as an interpreter to Oswego. The fatigue incident to the undertaking proved too great for his enfeebled constitution, and he died before the completion of the journey, and was buried at Schenectady. "He was the best interpreter in his day that New England had," observes the Rev. Gideon Hawley, "and was employed upon every occasion." It is supposed he was born in Suffield, Connecticut.

Martin Kellogg Jr., the brother of Joseph, well known by the name of Captain Kellogg, and who was captured at the burning of Deerfield and taken to Canada, escaped from Montreal in company with three others, in May or June, 1705, and returned home. In the month of August, 1708, while on a scouting expedition to White river, in the present state of Vermont, he was again taken prisoner by the Indians, but succeeded in discharging his gun and wounding one of his enemies in the thigh before his capture. He was a second time conveyed to Canada, and during his life was compelled on several occasions to make involuntary journeys of a similar nature, to that province. He was remarkable for his courage and bodily strength, and many stories were related of his feats and exploits in early

life. Like his brother, he was employed in the mission school at Stockbridge, where it is believed his labors were acceptable. He lived at Newington, near Farmington, in Connecticut, where it is supposed he died, about the year 1758. It is not known at what time Joanna, one of the sisters of Joseph and Martin, returned home. The other sister, Rebecca, who was about three years old at the time of her capture, resided among the Caughnawagas in Canada, until she was a maiden grown. On her return, she became the wife of Benjamin Ashley. In the year 1758, when Mr.—afterwards the Rev.—Gideon Hawley, of Marshpee, was employed with others, to visit the Indians at Onohoghwage or Oquago, now the town of Windsor, in Broome county, New York, she accompanied the mission, and was regarded as “a very good sort of woman, and an extraordinary interpreter in the Iroquois language.” She resided at Onohoghwage until the time of her death, which took place in August, 1757, and was buried at that place. She was much lamented by the Indians. Her Indian name was Wausaunia.*

SAMUEL KNIGHT

OCCUPIED a position of great influence and high respecta-

bility among the lawyers who practised at the bar of Cumberland county prior to the Revolution. His commission as an attorney-at-law in “his Majesty’s courts of record” in that county, was dated the 23d of June, 1772. The only appointment which he held under the province of New York, was that of commissioner to administer oaths of office. This he received on the 18th of February, 1774. He was present at the affray which occurred at Westminster on the 13th of March, 1775. At the inquest which was held on the body of William French, who was shot on that occasion, he, with four others, was declared guilty of his death. The conduct of Mr. Knight imme-

* Journals Gen. Court Mass. Bay, *passim*. MSS. in office Sec. State Mass. Mass. Hist. Coll., iv. 57: x. 143. Biog. Mem. of Rev. John Williams, pp. 84, 118. Hist. West. Mass., i. 158. Doc. Hist. N. Y., iii. 1033–1046. Hoyt’s Indian Wars, pp. 195, 199.

diately after this event, is described in a foot-note to that most entertaining tale, by the Hon. Daniel P. Thompson, entitled "The Rangers ; or the Tory's Daughter." The facts narrated in this foot-note rest on the authority of "an aged and distinguished early settler" of Vermont, and are given in his own words :—"I have heard Judge Samuel Knight describe the trepidation that seized a portion of the community, when, after the massacre, and on the rising of the surrounding country, they came to learn the excited state of the populace. He related how he and another member of the bar (Stearns, I think, who was afterwards attorney-secretary of Nova Scotia) hurried down to the river, and finding there a boat (such as was used in those times for carrying seines or nets at the shad and salmon fishing-grounds, which were frequent on both sides the river, below the Great Falls), they paddled themselves across, and lay all day under a log in the pine forest opposite the town ; and when night came, went to Parson Fessenden's, at Walpole, and obtained a horse ; so that, by riding and tying, they got out of the country till the storm blew over, when Knight returned to Brattleborough."

From Westminster, Knight went to Boston, and thence to the city of New York, where he arrived on the 29th of March. On his return to Brattleborough in the course of the following summer, he resumed his professional duties, but does not appear to have taken any very active part in the struggle between Great Britain and the colonies. When Vermont was declared a separate and independent state, he strenuously favored the jurisdiction of New York on the "Grants," and strove to effect a reconciliation between the contending parties. In the supply bill passed by the Legislature of New York on the 4th of November, 1778, £60 were voted to him as a reimbursement of his "expences in attending upon the Legislature, on the business of quieting the disorders prevailing in the north-eastern parts of this state." Satisfied, at length, that New York would never be able to maintain her claim to the "Grants," he became an open supporter of the government of Vermont. He afterwards removed to Guilford, and in the year 1781 was appointed a justice of the peace. Owing to the discontent of some of the citizens of that portion of the state, who believed him to be infected not only with sentiments favorable to New York, but with Tory principles, he was suspended from office by the Council on the 12th of April of the same year. He was rein-

stated on the 25th of October following. He occupied the position of first judge of Windham county during the years 1786, 1794, 1795, and 1801, and presided as chief justice in the Supreme court of the state from 1789 to 1793. In his "Descriptive Sketch of Vermont," Dr. John A. Graham observes of Judge Knight:—"He was bred to the law; is a gentleman of great abilities; and has rendered many essential services to his fellow-citizens, but, I am sorry to add, they have by no means been recompensed as they ought to be. To Mr. Knight that celebrated line of Pope may truly be applied,

" 'An honest man 's the noblest work of God.' " *

LUKE KNOWLTON.

LUKE KNOWLTON was born in Shrewsbury, Worcester county, Massachusetts, and was married to Sarah Holland, who bore him three sons and four daughters. He removed to Newfane in the year 1772, where he lived until the time of his death, which occurred on the 12th of December, 1810, at the age of seventy-three years. The third charter of the township of Newfane was granted by the government of New York on the 11th of May, 1772, to Walter Franklin and twenty others, most of whom were inhabitants of New York city. On the day following, the charter was conveyed to Luke Knowlton and John Taylor, of Worcester county, Massachusetts. The town was organized on the 17th of May, 1774, and on that occasion Knowlton was chosen town-clerk, and held that post for sixteen years. He was town representative in the General Assembly of Vermont in the years 1784, 1788, and 1789; a member of the Council from 1790 to 1800, inclusive; a member of the constitutional convention in 1793; and a judge of the court of Windham county from 1787 to 1793.

In his "Letters from Vermont," John Andrew Graham refers to Mr. Knowlton in a very complimentary manner, in connection with a few remarks relative to Newfane. "This town," the writer observes, "owes its consequence in a great

* The Rangers, i. 92, 93. N. Y. Gazette, Monday, April 10th, 1775. Graham's Letters, pp. 109, 110. Laws of N. Y., 1777-1783, Holt's ed., p. 47. Doc. Hist. N. Y., iv. 1022.

measure to Mr. Luke Knowlton, a leading character, and a man of great ambition and enterprise, of few words, but possessed of the keenest perception, and an almost intuitive knowledge of human nature, of which he is a perfect judge. This gentleman, owing to the particular method in which he has transacted business, has obtained the appellation of Saint Luke. Young Mr. Knowlton is a practitioner at the bar. He is modest, ingenuous, and master of abilities that give a fair promise of his becoming a most valuable citizen. Saint Luke is the owner of much the best and most elegant buildings in the place." Calvin Knowlton, the young man referred to in this extract, and a son of Luke Knowlton, graduated at Dartmouth College in 1788, and was educated in the law. He adorned his profession by his learning and ability, and his worth was acknowledged by all who knew him. He died on the 20th of January, 1800, aged thirty-nine years.

On the 12th of September, 1780, Luke Knowlton was furnished by Gov. George Clinton with an introductory letter to the New York delegates in Congress, and soon after visited Philadelphia for the purpose of urging upon Congress the necessity of settling the controversy between New York and Vermont. The result of his mission has been stated in another place.* Previous to the year 1784, Mr. Knowlton gave in his adherence to the government of Vermont, and became a citizen of that state. In the division of the \$30,000 which New York received from Vermont, on the accession of the latter state to the Union, Mr. Knowlton received \$249.53, on account of the losses he had sustained, by being obliged to give up lands which he had held under a New York title.

It is much to be regretted that so little is known of the life of a man of the ability of Luke Knowlton. The Hon. Paul H. Knowlton, who resides at the village of Knowlton, in the township of Broome, C. E., and is a member of the Legislative Council of Canada, possesses no records of family biography relating to his enterprising and intelligent grandfather.†

* See *ante*, pp. 381, 382.

† Thompson's Vt., Part III. p. 126. Graham's Descriptive Sketch of Vt., 1797, p. 103. Doc. Hist. N. Y., iv. 1024.

An account of the conduct of Luke Knowlton during the time in which the British in Canada were endeavoring to obtain possession of Vermont, and of the suspicions which this conduct excited, is given in the sketch of the life of SAMUEL WELLS.

JOSEPH LORD

of Putney, by commissions dated the 16th of July, 1766, was appointed second judge of the Inferior court of Common Pleas, and a justice of the peace for Cumberland county. These commissions were renewed on two subsequent occasions, and he was continued in office until the commencement of the Revolution. He was also appointed by a writ of *dedimus potestatem*, a commissioner to "swear all officers" chosen in that county, and held the office until the 14th of April, 1772. Respecting his abilities, there are no means of deciding; but of his uprightness and candor, as a man and as a judicial officer, there can be no doubt. A few months previous to the time for appointing judges in the year 1772, Mr. Lord was desirous of withdrawing from the service of the province. In his letter to Governor Tryon, dated the 29th of January, he declared his reasons for wishing to retire, in these words:—"I, being now arrived at the sixty-eighth year of my age, and attended with the infirmities common to advancing years, such as great deafness, loss of memory, dimness of sight, and at times, a paralytic tremor in my hands, &c., which disqualifies me for the full, free, and perfect discharge of the offices of second judge of the Inferior court of Common Pleas, and justice of the peace, which I have sustained in the county for several years last past—and having a desire to retire from public business and spend the remainder of my days in a calm retirement therefrom, and concern myself in nothing else, but doing good to my numerous family and neighbors, and praying for the KING, your Excellency, and all others the King's officers, and prepare for a glorious IMMORTALITY—therefore humbly entreat your Excellency to appoint some other person to said offices in my room and stead."

Having been informed that his colleague had tendered his resignation, Judge Chandler wrote to Governor Tryon, begging him to continue Judge Lord in office in the next commission, and suggesting the propriety of rewarding him for his past services—especially for his efforts in quelling a disturbance in which the inhabitants of Windsor had been engaged—by granting to him some of the "unappropriated lands" in the province,

which the late Gov. Benning Wentworth had conveyed to himself, the title to which, by a subsequent resolve of the present Governor and the Council of New Hampshire, had been declared void. Previous to this time, the court had been constituted with three judges. A fourth was added in the next commission, and Judge Lord was continued, but with the understanding that he was to take only "as little share of the burden of the office" upon himself as should be agreeable to him. "His Excellency," wrote Governor Tryon, in a letter dated the 3d of April, 1772, "desirous of retaining in office the most respectable persons in the county, could not think of appointing any person in your stead." The little that is known of this worthy magistrate is so favorable, that a natural regret arises at the absence of the data which might supply the details of his life, character, and services.*

WILLIAM PATERSON.

Wm. Paterson

THE prominence of the part borne by this individual in the affray at

Westminster, has given his name a notoriety. Of the man himself little is known. William Paterson is said to have been of Irish and Scotch descent, and is supposed to have been born in Ireland. Following in the train of his friend, Crean Brush, he removed to Westminster in the year 1772 or 1773, and in October of the latter year received from the Council of Appointment of the province of New York the shrievalty of Cumberland county, which office he held until the authority of Great Britain ceased to be recognized on the "Grants." Of the manner in which he conducted at the "Westminster Massacre," an account has already been given.† In his history of the "American Loyalists," Mr. Sabine, in closing a sketch of the events of March 13th, observes of Paterson:—"That he was very much in fault, in the transactions which connect his name with the sad deeds here briefly considered, hardly admits of a

* Doc. Hist. N. Y., iv. 757-759, 765, 766.

† See *ante*, p. 218.

doubt, and appears as well from the statements of the Loyalists, as from the report of the Whig committee." After suffering imprisonment in the Court-house at Westminster, until Sunday, the 19th of March, he, with several of his friends, was placed in charge of a body of the Whigs, who guarded him to Northampton, where he was again placed in confinement. How long he remained at Northampton does not appear, but he did not obtain a final discharge until the 22d of November following. It would be pleasant, could we tear aside the veil of oblivion which shrouds his history in obscurity, or explore the recesses in which are buried those little data, which, were they all gathered, would reveal more fully the transactions of his life. But the veil appears impenetrable to mortal eyes, and the very locality of the recesses we would explore is yet to be determined.

CHARLES PHELPS,

son of Nathaniel Phelps, was born at Northampton, Massachusetts, on the 15th of August, 1717, and was educated in the



profession of the law. He married Dorothy, a daughter of Hezekiah Root, of the same place, on the 24th of April, 1740, and afterwards removed to Hadley, where he resided for many years. In the charter of Marlborough, which town was the third on the New Hampshire Grants granted by Gov. Benning Wentworth, his name appears as one of the original grantees. This charter, which was dated the 29th of April, 1751, was renewed on the 21st of September, 1761, and again renewed on the 17th of April, 1764. On the last occasion, power was given to Charles Phelps to call town meetings, and the name of *New* Marlborough was substituted for that of Marlborough. But the prefix, although used by the Phelps family for a time, was never received with favor. In the year 1764, Mr. Phelps, with his family, removed to Marlborough, for the purpose of commencing a settlement on the lands which he held from New Hampshire. On learning that the King, by an Order in Council dated the 20th of July, 1764, had established "the

western banks of the river Connecticut" as the eastern boundary line of New York, he applied to the Governor of that province, on the 15th of October, 1765, for a charter confirmatory of the charter of Marlborough, and renewed his application in October of the following year. It does not appear that his request was favorably answered. Notwithstanding this failure to secure the title of his lands, he was convinced that the New Hampshire Grants were now within the jurisdiction of New York, and henceforth became a subject of that province. Residing on the "Grants" at a time anterior to the establishment of any of the forms of government within its bounds, and having been instrumental in obtaining the patent for Cumberland county, he grew up, as it were, with this first division of the disputed territory, labored for its benefit, and finally received as his reward the lion's share in the bitter fruits of its overthrow. After suffering by fine, imprisonment, confiscation of property, and banishment from Vermont, on account of his devotion to New York, he at length took the oath of allegiance to the former state. His feelings, however, underwent but little change, and until the day of his death, he retained the strongest antipathy against the government which had been the means of destroying his own happiness, and rendering his household the abode of sorrow and insanity.

His eccentricities, which at first were neither many nor strongly marked, were not regarded with that leniency which would have tended to make them less the objects of notice. On this account, and by reason of the sufferings which his attachment to New York induced, his peculiarities increased with age. Between the years 1770 and 1772, at the expense of the proprietors of the town of Marlborough, he built a kind of log barn near his dwelling, to which he gave the name of a meeting-house, but it was never used as such, except by his own family. The causes which led to his dismissal, and that of his son Timothy, from the church, are not known. At the bar, Mr. Phelps is said to have been intolerable, by reason of the length of his pleadings. The four hours allowed him by the court would often bring him to the threshold only of his argument, and he was frequently obliged to stop without touching upon the merits of the case.

When, in the year 1775, the people residing on the eastern side of the Green Mountains evinced their hatred of oppression by their acts at Westminster on the 13th of March, Mr. Phelps

approved of the course then pursued, and, inasmuch as revolt from British domination, and opposition to New York exactions, were at that time deemed identical in spirit, since the latter was the result of the former, he exerted his influence in resisting the encroachments of despotism, and in endeavoring to establish a new order of things. But when New York had thrown off her allegiance to Great Britain, and had entered into the war of the Revolution with a spirit as determined as that displayed by her sister colonies, he acknowledged her jurisdiction, and uniting with the majority of the inhabitants on the "Grants," offered his services for the good of the thirteen colonies, as a citizen of New York. For nearly two years, sentiments like these respecting the authority and jurisdiction of New York prevailed on the "Grants," and he is a bold and an uninformed man who would dare to assert that, previous to the year 1777, or even during the first half of that year, the *people* were in favor of a separate state.

On one occasion, Mr. Phelps, with a singularity of behavior not easily to be accounted for, was engaged in a scheme to effect the annexation of Vermont to Massachusetts. Of the truth of this statement, the evidence is as follows. In a deposition made by Phineas Freeman, at Marlborough, on the 19th of January, 1783, the deponent testified that in the latter part of June, 1779, Charles Phelps set out from that town with the avowed object of going to Bennington, for the purpose of consulting with a committee of Congress who were to meet there, and presenting to them the claims of New York to the disputed territory of the "Grants." The deponent also stated, that in a conversation which he held with Mr. Phelps previous to his departure, Mr. Phelps declared that "he did not act out of good will to the state of New York, but to throw the people of Vermont into confusion; that his ultimate design was to procure the territory of Vermont to be annexed to the Bay state; that he looked upon the authority of New York as composed of as corrupt a set of men as were out of hell; that he abhorred them as much as he did any set of men on earth; that he would as soon come under the Infernal Prince as under the state of New York; and would as soon put manure in his pocket as a commission from New York."

But this episode in the history of his attachment to New York did not long continue. When, in the summer of 1779, the friends of New York in Cumberland county determined to

petition the Legislature of that state for relief from the numerous inconveniences by which they were surrounded, he was chosen to bear their memorial to Kingston. Thence he was deputed by the Legislature to carry the same document to Philadelphia. Of the manner in which he occupied the five weeks which he spent in that city, some opinion may be formed from a letter written on the 7th of October, 1779, by John Jay to George Clinton, and entrusted to Phelps as he was about to leave Philadelphia on his return. That the craftiness and volubility which characterized him as a lawyer, should have been apparent at this seeming crisis, is not at all remarkable. "You will receive this by Mr. Phelps," wrote Jay, "of whose fidelity to New York, I have a good opinion, tho' I cannot approve of all his manœuvres to serve the state on this occasion. He appears neither to want talents or zeal, but the latter is not always according to knowledge, and the former carries him sometimes into finesse. One of the New Hampshire delegates told me that Phelps, in order to engage him against Vermont, endeavored to persuade him that New Hampshire had a right to a number of townships in it; and he further told me, that on comparing notes with the Massachusetts delegates, he found that Phelps had been playing the same game with them. This story he told me in the presence of some of the Massachusetts delegates, who smiled and were silent. I have never said anything of this to Phelps, because it could have answered no good purpose, and I mention it to you, as a circumstance which marks the man. He has, however, by talking on the subject with everybody, done good. In my opinion, his expenses should be paid without hesitation, and he should be so treated as to go home in perfect good humour with the Legislature, for whom he now professes great regard and esteem, and I believe he is sincere in his attachment. Men of his turn and talk are always useful, when properly directed. It is safely done [in his case] by encouraging the good opinion he sustains of his own importance."

In one of the letters which Mr. Phelps wrote while in Philadelphia, he detailed to Governor Clinton the arguments which he was in the habit of employing, in his attempts at proselytism among the members of Congress. Among other statements which he made was the following:—"I endeavor," he wrote, "to induce them to believe the truth that if Congress don't immediately interpose, there will be a great effusion of blood

as soon as I return home; and that if it should be so, all the world will know at whose door it will be charged by all America." To his efforts, however, was due the passage of certain resolutions, the effect of which it was generally expected would be to bring the controversy to an end. Though this result was not effected, yet it cannot be doubted that, at the time, the influence of Mr. Phelps as an old-fashioned lobby-member, was greater than that of any of the other agents who were interested in the management of this question. That he fully estimated the value of his own services, appears from the application which he afterwards made to the Legislature of New York for additional pay. If the state would "give even a common scavenger as much as his pocket expense," he argued that he certainly deserved well for conducting "matters of such great weight, delicacy, and consequence," with so much skill and perseverance. His petition was read in the Assembly on the 14th of February, 1780. A few days later, the committee to whom it was referred reported contrary to its prayer, and the Assembly refused to grant the extra allowance. Notwithstanding this disappointment, Mr. Phelps still remained faithful to New York. In a letter to Governor Clinton, dated the 1st of September, 1780, he asked for advice with reference to the course he should pursue towards his neighbors who differed from him in opinion. He even went so far as to propose the expediency of taking four or five of them prisoners, and confining them at Kingston, in order to be avenged upon "the vile Vermonters" for the sufferings they had inflicted upon the Yorkers. Referring to the influences which had been exerted against the new state, he declared that he and his sons had "done more to overturn" it, than all the people residing in that vicinity. Alluding to the manner in which his services had been received, he stated that twenty thousand dollars would not make good the losses he had suffered.

Continuing in this manner a strenuous opposition to Vermont, despite the privations which it incurred—suffering often from the punishments which generally followed disobedience to the laws—engaging not unfrequently in personal conflicts with the sheriff or his deputies—Mr. Phelps, although he might have yielded the contest with honor, since New York was unable to support her authority in Vermont, persevered in the course he had chosen, with a determination to pursue it even to the end. In the month of June, 1782, he received from New York the

appointment of justice of the court of Oyer and Terminer and General Jail Delivery, and of justice of the peace and of the quorum, for Cumberland county. At the same time, he was commissioned to swear all officers, both civil and military, who should serve in that county. James Clay and Hilkiah Grout were appointed his colleagues in the latter position, but up to the 10th of July following, according to his own declaration, they had refused to administer to him the oaths of office, on account of the fear in which they stood of the indignation of the majority of the people. With the honors of these new appointments clustering thick upon him, Mr. Phelps imagined himself almost invincible to any power which his opponents might employ against him. But the revelations of the month of September, 1782, at which time Timothy Church, Timothy Phelps, Henry Evans, and William Shattuck, were deprived of their property, and banished from the state for treason, and when Charles Phelps escaped a like punishment by flight—the revelations of that month, even if the lessons of previous years had been of no avail, should have taught the “violent Yorker,” that the time had come when the minority should yield to the majority—when factious opposition, backed by the authority of Grotius and Vattel, should cease—when the law of nations should give way before the “Great Jehovah” doctrine of Ethan Allen, and the principles of right succumb to the force which could render, not only the town of Guilford, but every other place within the limits of Vermont inhabited by a Yorker, as “desolate as Sodom and Gomorrah.” Such, however, was far from being the immediate results effected by the decree of 1782.

Having obtained an appointment as agent for his fellow-sufferers in Cumberland county, Mr. Phelps set out for Poughkeepsie, just in time to escape the seizure and punishment to which a number of the most prominent supporters of the jurisdiction of New York were subjected, in the month of September, 1782. Having reached Poughkeepsie, he visited Governor Clinton, and, after remaining in that town a few weeks, disclosed to his Excellency his intention of proceeding to Philadelphia. Convinced that his presence would be of but little use at the seat of government, the Governor endeavored to dissuade him from going. But his arguments were of no avail, and Phelps started on the journey, without letters, however, for the Governor had refused to write by him, lest the New York delegates should suppose that he favored the mission. On the evening

of the 8th of October, he had "the satisfaction" of being heard for "two or three hours, with very little interruption," before the committee of Congress, to whom the subject of the controversy had been referred. It was at this period, and probably during this visit, that he prepared and presented for the "consideration of Congress and the impartial world" a "state paper," entitled "Vermonters Unmasked," in which he called the attention of all the states to the danger to which they were exposed, if the "audacious precedent" of dismembering states should be established, in consequence of the act of usurpation of which Vermont had been guilty, in depriving both New York and New Hampshire of a portion of their lawful and acknowledged territory. Many other points were largely discussed in this production, and the whole argument was supported by copious extracts from Grotius, Puffendorf, Vattel, and other civilians.

But while thus engaged, his destitution was so great at one period, that fears were expressed lest he should starve or freeze, before measures could be taken for his relief. Soon after his arrival in Philadelphia, James Duane, then a delegate from New York, wrote to Governor Clinton in these words:—"Mr. Phelps has arrived, and I believe his eloquence will be well employed. He has opportunities. His singularity draws attention, and he overflows in the plenitude of his communicative powers. He is, however, terribly distressed; without cloaths fit for the season; without money or credit to pay for his board; and leaning on the scanty support which the exhausted purses of your delegates can afford. What is to be done for him?" To the inconveniences which he bore, and to the manner in which he was supported while at Philadelphia, reference is made in the letters of the New York delegates to Governor Clinton, in words few but graphic. "As Mr. Phelps brought no letter," wrote Ezra L'Hommedieu, on the 23d of October, "we concluded he did not come by the Governor's approbation. However, I believe he has been of some service, though some trouble to us; and having no money, he depends much on charity at present. I conclude we shall be obliged to advance money to get him out of town, though he will not go till he knows the determination of Congress." On the 5th of November, the same gentleman, in another communication, said:—"Mr. Phelps has been fortunate in getting most of his living for nothing. The President's steward is an acquaintance of his, and Mr. Hanson gave him a general invitation to come and eat with Mr. Philips. He cannot, however,

get out of town without an advance of money, which I shall likely be obliged to make."

Under the sanction of Governor Clinton, William Shattuck and Henry Evans, two of the banished Yorkers, had gone to Philadelphia, and there were now three persons in that city instead of one, depending for support on the New York delegation. "What will be done for the sustenance of the deputies now here," wrote James Duane, on the 15th of November, "I know not. On a consultation with Mr. Roosevelt, it is agreed to borrow for them one hundred dollars, and draw on the state. If this plan fails, it is more than probable they will lose their liberty, as they have already done their property, for it is out of my power to aid them." Two days later, another communication from Mr. Duane contained these words:—"The distress of Phelps having been brought to a crisis, we had no choice but to borrow for his and his unfortunate companions' support. This we did not venture on, till after a consultation with Mr. Roosevelt, and his promise to support us, and his opinion that our conduct must be approved. Mr. Wadsworth, on the first intimation, advanced one hundred dollars on our bills on your Excellency, which will, we hope, be sufficient to relieve these unhappy people, whose visit has given us infinite trouble and uneasiness." In a letter written on the 18th of November, Mr. L'Hommedieu, referring to the loan that had been effected, said:—"It will be necessary that Mr. Phelps have some of this money to enable him to leave town, which I believe will be in a few days." But Mr. Phelps could not be induced to depart until the decision of Congress should be made known. On the 5th of December, this consummation of his wishes was attained. On that day, Congress, by a resolution, ordered the inhabitants of the New Hampshire Grants "claiming to be an independent state" to make "full and ample restitution" to all who had suffered by their proceedings since the 1st day of the preceding September, and announced their determination to "enforce a compliance" with this command. Four days later, Mr. Phelps set out from Philadelphia with dispatches to Governor Clinton. He reached Marlborough early in January, 1783, but to his sorrow found that as little attention was paid to the resolves of Congress, as had been paid to the edicts of New York.

About this period, and at the age of sixty-five, he married a second time, his first wife having died in the year 1777. During the year 1783, he did not dare to remain regularly at

home, for fear of his foes. In the latter part of the year, having become especially obnoxious, the decision of the court, rendered in September, 1782, which had never been executed against him, was revived, and on the 4th of January, 1784, he was thrown into the jail at Westminster, and was soon after removed to Bennington, that he might be more securely guarded. Here he was kept until the 28th of February following, when he was released by an act of the Legislature. A few days after his enlargement, a committee to whom the subject had been referred, recommended the adoption of a bill directing the sale, at public vendue, of so much of the estate of Charles Phelps as should amount to £70, for the purpose of defraying the costs of his prosecution. A bill to this effect was brought in, but was laid over until the next session of the Legislature, and was never again revived. An unsuccessful attempt was also made at the session in February, 1784, by Joseph Tucker and sixteen others, who had been engaged in a skirmish with the Yorkers, and had been partially defeated, to obtain reimbursement out of the property of Mr. Phelps, for the pecuniary losses they had incurred in their unfortunate undertaking.

Although, in these two instances, Mr. Phelps was treated with a leniency, which, judging from the previous conduct of the government of Vermont towards him, could hardly have been expected, yet his possessions were not, on this account, deemed less the property of the state. To Micah Townsend and Nathaniel Chipman had been entrusted the duty of revising the laws of Vermont. On the 6th of March, 1784, they presented to the General Assembly a statement of the terms on which they would accept of their appointment. Among other provisions, they required an order from the Assembly, directing Col. S. R. Bradley to deliver to them "such books of Charles Phelps, Esq.," as would assist them in their deliberations. They also asked to be paid for their services out of Mr. Phelps's library, the choice of books being left with them, and the appraisement of the books being made by persons acquainted with their value. If the library should be insufficient to satisfy their demand, or should be restored to Mr. Phelps by the state, or redeemed by him, they agreed to receive their compensation in hard money. These proposals were received with favor, and were immediately embodied in the form of resolutions, and adopted. In October, 1784, Mr. Phelps—wearied by the an-

noyances to which he was constantly subjected on account of his adherence to New York, satisfied that further resistance was useless, and unwilling to strive longer in a contest, the fruits of which were bitterness only—petitioned the General Assembly of Vermont for a full pardon, and a reversion of the sentence by which his estate had been declared confiscate. In their report upon his petition, the committee took occasion to allude favorably to the efforts he had made in behalf of American independence, and recommended an affirmative answer to his prayer. In consequence of this counsel, a bill, entitled “An Act pardoning Charles Phelps, Esq., of Marlborough, in the county of Windham, and restoring to him all his estate, real and personal,” became a law of the state, on the 26th of October, 1784.

Protected by the government which he had so long opposed, Mr. Phelps now endeavored to regain possession of his property by every legal and proper means. It was for the purpose of assisting him in procuring a weapon, which had been taken from him at a time when it was feared he would use it in opposing the officers of Vermont, that Governor Chittenden addressed to Maj. Josiah Boyden a letter, of which the following is an exact copy:—

“Arlington, 30th of Dec'r. 1784.

“Sir.—In persuance to an act of Assembly, past Last october, ordering that all the property of Charles Phelps, Which had been Taken from him on account of his opposing the athrowity of this State and Not disposed of for the Benefit of the State, Should be returned to him on Sartain Conditions, Which Conditions has been Complied With on his Part, you are therefore directed to Deliver to the s'd Charles Phelps His Sword, if you have the Same in your Hands, and the Same has not been Sold or disposed of by athrowity, for the Benefit of this State.

“I am S'r your H'bl Serv't,

THO'S CHITTENDEN.

“Maj'r Boyden.”

Busied in striving to restore his estate, and in searching for facts, constructing arguments, and preparing documents to induce Congress to make good their resolutions of the 5th of December, 1782, he passed the remainder of his days. He died in April, 1789, in the seventy-third year of his age. Though,

by oath, a citizen of Vermont, he never could divest himself of his antipathy against that state; and in spirit remained even unto the end firmly attached to the government and jurisdiction of New York.

Of the genealogy of the Phelps family the following particulars have been preserved. The name was anciently spelled *Phyllypes*, but has been always pronounced *Phelps*. After the time of Edward VI. the superfluous letters were dropped. The family has been established for a number of centuries in the county of Stafford, England. John Phelps, who dwelt upon the Nether Tyne in England, the son of Francis Phelps, who died in the reign of Edward VI., left with other issue at his decease in 1641, Anthony, WILLIAM, and John. This family opposed the high-church and prerogative party of Strafford and Archbishop Laud. John Phelps became private secretary to Oliver Cromwell, and in the print which has been preserved of the trial of Charles I., is represented as serving in the capacity of clerk of the court on that occasion.*

WILLIAM PHELPS, was one of the first settlers of Dorchester, Massachusetts, about the year 1630. Thence he removed to Windsor, Connecticut, in the latter part of the year 1635, and was one of the "principal planters" of that town. He is included by Trumbull, in his History of Connecticut, in the list of prominent men "who undertook this great work of settling Connecticut," and is designated by the same authority as one of "the civil and religious fathers of the colony." The session of the first court convened in Connecticut, was held at Newtown, on the 26th of April, 1636. Of this court William Phelps was a judge. He was a man of large influence, was much employed in public business, held the position of a magistrate, and was honored by the title of Mr., a distinction which but few at that day enjoyed. He died on the 14th of July, 1672. The death of his wife occurred on the 30th of August, 1689. He left five sons, William, Samuel, NATHANIEL, Joseph, Timothy, and one daughter, Mary. Three of these children were born in England, one in Dorchester, and the two youngest—Timothy and Mary—in Windsor.

NATHANIEL PHELPS, son of William, was born in England; removed to this country with his father; married Elizabeth Copley,† a young widow, on the 17th of September, 1650;

* Pictorial Hist. England, Harper's ed., 1849, iii. 377.

† A descendant of the family of this Elizabeth Copley became Lord High-

was one of the first settlers of Northampton, Massachusetts, about the year 1655; was highly respected as a deacon in the church; and died on the 27th of May, 1702, leaving "a good estate." The death of his widow occurred on the 6th of December, 1712. Their children were Mary, born at Windsor in 1651, who was the wife of Matthew Clesson; NATHANIEL, born at Windsor in 1653; Abigail, born at Windsor in 1655, who was the wife of John Alvord, and who died in 1756, aged one hundred and one years; William, born at Northampton in 1657; and Mercy born at Northampton in 1662, who died young.

NATHANIEL PHELPS, son of Nathaniel the deacon, married Grace Martin on the 27th of August, 1676, and died on the 20th of June, 1719. His wife, at the time of her marriage, was a young woman who had recently come from England. She was a person of great resolution and perseverance, and was withal a little romantic. She has been highly praised by her descendants. Her death occurred on the 2d of August, 1727. Their children were NATHANIEL, born in 1678; Samuel, born in 1680; Lydia, born in 1683, who was the wife of Mark Warner; Grace, born in 1685, who was the wife of Samuel Marshall; Elizabeth, born in 1688, who was the wife of Jonathan Wright; Timothy, who removed to Connecticut; Abigail, born in 1690, who was the wife of John Laughton; and Sarah, born in 1695, who was the wife of David Burt.

NATHANIEL PHELPS, son of the second Nathaniel, married for his first wife, Abigail Burnham, about the year 1716, and for his second wife, Catharine, daughter of John King of Northampton. His death occurred on the 4th of October, 1747. His first wife died on the 2d of January, 1724, at the age of twenty-seven. His second wife, at the time of her marriage with him, was the widow of a man named Hickock of Durham, Connecticut, who had died without children. After the death of Mr. Phelps, his widow married for her third husband, Gideon Lyman. Mr. Phelps's children by his first wife were CHARLES, born on the 15th of August, 1717; Nathaniel, born in 1721; Ann, who was the wife of Elias Lyman of Southampton, Massachusetts; and Martin, born in 1723. His children by his second wife, were Catharine, born in 1731, who was the

Chancellor of England, by the name and title of Lord Lyndhurst, on the 30th of April, 1827.

wife of Simeon Parsons; Lydia, born in 1732, who was the wife of Ebenezer Pomroy; John, born in 1734, who lived in Westfield, Massachusetts; and Mehitable, born in 1736, who died young.

CHARLES PHELPS, to a sketch of whose life this notice has been mainly devoted, was the eldest son of the third Nathaniel. Of three of the sons of Charles, namely, Solomon, Charles Jr., and Timothy, an account will be found elsewhere. The other children of Charles Phelps were Dorothy, Abigail, Lucy, John, and Experience.*

SOLOMON PHELPS.

SOLOMON, the first son of Charles Phelps, was born in the year 1742, and was entered a freshman at Harvard College at the age of sixteen. On graduating in 1762, he applied himself to the study of the law, and having removed with his father to the New Hampshire Grants, was commissioned by Governor Henry Moore, on the 31st of March, 1768, an attorney-at-law, and was authorized to practise as such in "His Majesty's courts of record to be holden in and for the county of Cumberland." At the breaking out of the war he embraced the cause of the colonies, and during the period in which the inhabitants on the "Grants" acted in concert with the people of New York, served as a member of the committee of safety for Cumberland county. Being well versed in the Scriptures, and possessing an hereditary oratorical capacity, he served as a preacher at Marlborough during the summer of 1776. In the year 1779 he received the degree of M.A. from his Alma Mater, which fact alone, judging from the qualifications which were then necessary to render a person eligible to this rank, affords good evidence of his abilities. But unhappily his life was darkened

* MS. Narrative of Phelps family. MS. Letters from the Hon. J. H. Phelps. MS. Hist. Marlborough, by the Rev. E. H. Newton. Journals of Congress, *passim*. Doc. Hist. N. Y., iv. 996-1002. George Clinton Papers, in office Sec. State N. Y., vol. viii. doc. 2549; vol. xi. doc. 3189; vol. xvi. docs. 4647, 4796, 4797, 4828, 4842, 4856, 4857, 4858. Journals Gen. Ass. Vt., Feb., 1784, pp. 24, 27, 42, 43, 47, 50, 52, 53; Oct. 1784, pp. 28, 33, 35, 40; June, 1785, p. 47. Slade's Vt. State Papers, p. 494. Trumbull's Hist. Conn., i. 54, 58, 70. Holland's Hist. West Mass., ii. 245.

by the obscurations of insanity—a disease which, whether it be of the mind or of the body, is almost certain to manifest its effects upon both. On one occasion he attempted to beat out his brains with the head of an axe, and succeeded in breaking in his skull. His life was saved by trepanning. In the year 1790 he ended his life by cutting his throat with a razor. When discovered he was lying in a lot, between two hemlock logs, and to all appearance had been some time dead.*

CHARLES PHELPS JR.,

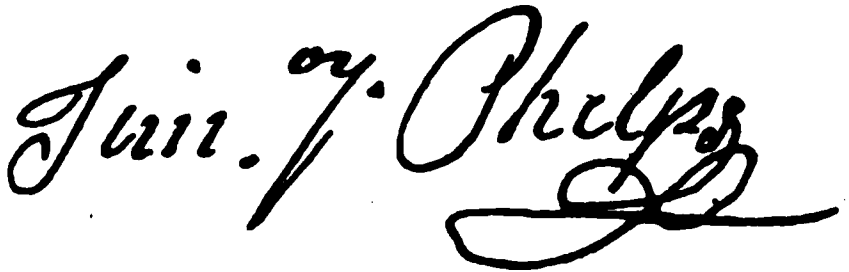
THE second son of Charles Phelps, was born in the year 1744, and bore the name of his father. Like his brother Solomon, he was educated in the profession of the law, and received his commission as an attorney from Governor Tryon of New York, on the 22d of July, 1771. Although he afterwards removed to Hadley, Massachusetts, yet he ever continued to manifest a deep interest in the affairs of the New Hampshire Grants, and on several occasions afforded assistance to his father and brothers, when the rage of party violence had driven them from their homes, to seek refuge wherever they could find it. His contemporaries in legal practice were John Worthington of Springfield, Joseph Hawley of Northampton, Oliver Partridge of Hatfield, Josiah Dwight of Westfield, and John Ashley of Lower Housatonic. An account of Mr. Phelps's farm and residence, which the Rev. Dr. Timothy Dwight describes as "the most desirable possession of the same kind and extent," within his knowledge, may be found in the travels of the latter gentleman in New England and New York during the year 1796. Mr. Phelps died in Hadley, on the 4th of December, 1814, aged seventy years.†

* MS. Hist. Marlborough. Am. Arch. Fourth Series, vol. iii. col. 1880.

† Dwight's Travels in New England and New York, i. 857. Holland's Hist. West. Mass., i. 185.

TIMOTHY PHELPS.

OF Timothy Phelps, the third son of Charles Phelps, but little remains to be said in addition to

A handwritten signature in cursive script, reading "Tim. J. Phelps". The signature is written in dark ink and is positioned to the right of the introductory text.

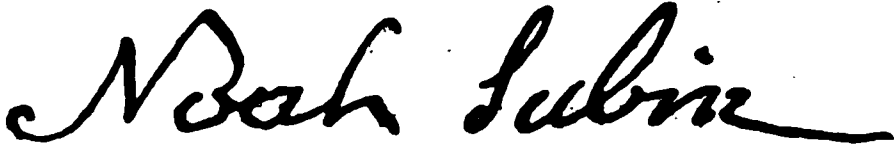
what has been already recorded in the preceding pages. He was born on the 25th of January, 1747, and at the age of seventeen removed with his father and brothers to the unsettled wildernesses of the New Hampshire Grants. His services as a farmer were especially valuable at this period, and upon him devolved, in a great degree, the management and cultivation of the lands of the new abode. Of great energy of character and steadfastness of opinion, his attachment to the government of New York having become once fixed, remained constant and unyielding. In his efforts to enforce its laws, he often met with the most determined resistance, and was not unfrequently overpowered by the number and force of his opponents. On the 5th of June, 1782, he received from the Council of Appointment of the state of New York, the shrievalty of Cumberland county. Armed with the power of this office, before which he imagined the vehemence of party rage and the lawlessness of party triumph would cower, he endeavored to exercise his authority within the limits of Vermont, and against men who scoffed at the government under which he acted. The decision of the trials of September, 1782, in Windham county, marked him with the taint of treason, rendered him for a time a prisoner, confiscated his possessions, banished him from the state, and forbade his return on pain of death.

Emboldened by the resolves of Congress, passed on the 5th of December of the same year, he returned to his home, was cast into prison at Bennington, and there remained in confinement for nearly five months. Although he afterwards became a citizen of Vermont, yet he was never able to transfer to the adopted state the feelings of loyalty which he entertained towards New York, and could not be brought to acknowledge his obligation to maintain pecuniarily, or otherwise, a government which had deprived him of his possessions, surrounded him with sorrows, and rendered his life miserable and unhappy.

Continued reflection upon his troubles, served in a measure to waste his mental energies, and the effects of this condition, combined with the natural eccentricity of his disposition, disordered his intellect, and left him a melancholy prey to the gloomiest forebodings concerning his temporal welfare. The fact, also, that there had been no "atonement made for that blood that was wantonly shed" on "the confines of Guilford," when Silvanus Fisk and Daniel Spicer were killed, seemed ever to disturb him, and there is still preserved a curious letter, written by him, dated at Marlborough, May 28th, 1812, and directed to the grand jury of Windham county, in which he adjured them, in the most solemn manner, to investigate the circumstances attending those deaths, and denounced upon them terrible retribution, in case they should fail to attend to his appeal. He died at Marlborough very suddenly, in the seventy-first year of his age, on the 3d of July, 1817, and was buried in that town.

Timothy Phelps married Zipporah Williams on the 6th of June, 1775. Their children were John, who was born on the 18th of November, 1777, and who died on the 14th of April, 1849, at Ellicott's Mills, Maryland; Charles, who was born on the 13th of September, 1781, and who died on the 19th of November, 1854, at Cincinnati, Ohio; Eunice, who was born on the 8th of May, 1783, and who died on the 14th of December, 1811, at Marlborough, Vermont; Austis, who was born on the 11th of September, 1788, and who died on the 25th of May, 1850, at Townshend, Vermont; and Timothy, who was born on the 6th of June, 1792, and who died of yellow fever in September, 1822, near Natchez, Mississippi, on board of a steamer from New Orleans.

NOAH SABIN

 WAS born at Rehoboth, Massachusetts, on the 10th of November, 1714, and was the only son of Noah Sabin, of that place. Becoming religiously disposed in early life, he was designed by his father for the ministry. To this disposition of his

talents the son refused to accede, but for what reason is not known. In the year 1768, at the age of fifty-four, he removed to Putney, and at the first election of town officers, held on the 8th of May, 1770, was chosen town-clerk. On the 14th of April, 1772, he was appointed judge of the Inferior court of Common Pleas of Cumberland county, and justice of the peace. Previous to the affray at Westminster on the 13th of March, 1775, Judge Sabin opposed in every practicable manner the attempts of the people to interfere with the management of the courts. His extreme conscientiousness led him to adopt this course, for he knew that he had received a commission from the Crown, and felt that his oath of office bound him, at the least, not to offer resistance to the government of the mother country. After being taken prisoner on this occasion, he was confined in the Court-house at Westminster for a few days, was then carried to Northampton, and afterwards to New York city, where he was imprisoned. It is said that he was subsequently tried, and upon being honorably acquitted, was supplied by Governor Tryon with clothing and ample means to return home. He was absent more than a year.

Regarded as a Tory in principle, and as a secret favorer of the cause of Great Britain, he was for a time subjected to many annoyances. Soon after his return, William Moore, Daniel Jewett, and Moses Johnson, committee men of Putney, accompanied by a party of their friends, armed with swords, went to his house, ordered him to mount his horse, and follow them. Obeying their commands, he was conducted to Westminster, where he was placed in the jail. Many were the threats used to intimidate him during this transaction. His imprisonment, however, lasted but a day. In the evening, the door of his cell was opened; and he was allowed to return home. On his death-bed, Moore, who had been the principal actor on this occasion, sent for Judge Sabin, confessed with tears the abuses of which he had been guilty, and besought forgiveness. On being assured that his request was granted—"Now," said he, "I can die in peace." Fearing that Judge Sabin might be in communication with the enemy, he was confined to his farm by an order of the committee of safety, passed in the year 1776, and permission was given to any one to shoot him, whenever he should be found beyond its limits. So bitter was the hatred towards him at this time, that one of his neighbors, a man zealous for the liberty of the colonies, and for the destruction

of their foes, watched for him with a loaded rifle, as he afterwards acknowledged, in the woods adjoining the Judge's house, prepared to shoot the despised Loyalist, should he venture beyond the prescribed lines. But this treatment, though it might tend to suppress the outward manifestation of his principles, did not avail at once to change them. A certain Solomon Willard, who had been a soldier under Governor Tryon at the time of the burning of Norwalk, having returned to Vermont at the close of the war, had again taken up his residence in the state. Although a Tory at heart, yet he submitted to the existing laws, and acted like an American citizen. In his conversations with this man, it is said that Judge Sabin often declared that the British troops had not treated the rebels with half the severity they deserved, and expressed his opinion, that every place refusing to acknowledge the authority of the Crown should have suffered the fate of Norwalk.

The prejudices against him springing from these causes, affected the minds even of the members of the church at Putney. Not being an original member, he was refused the privilege of occasional communion with them. This fact appears by the annexed extract from the church records:—

“Putney, Dec. 7, 1778. The church met and took under consideration the request of Noah Sabin, Esqr., of occasional communion with this church, and came to the following vote, that it was best, all things considered, not to receive him at present.

“J. GOODHUE, *Moderator*.”

He was afterwards on the 29th of April, 1781, admitted by vote to full communion, and was known as a “most stable, consistent, and useful member.”

In 1781 he was elected judge of probate for Windham county, but on the 12th of April, in the same year, was suspended from office in order to satisfy the complaints of many who believed him to be dangerous as a Loyalist. He was reinstated on the 25th of October following, and it is believed continued in office until the year 1801. Judge Sabin was a man of uncommon powers of mind. He was cool and considerate in his purposes, and sound and discriminating in his judgment. His counsels were often sought and were generally safely followed. For the period in which he lived his education was superior. It is asserted with confidence that when the charter for Putney was

obtained, he was the only person in the town possessed of sufficient skill to decipher the peculiar chirography in which the instrument was written. In his religious character he was upright, sincere, and conscientiously true to his professions. It might be said of him that he was remarkably active as a Christian, for it is well known that when the people were destitute of a minister, the duty of conducting the exercises of their religious assemblies usually devolved on him. Although at the first strongly attached to the Crown, and for some time after the commencement of the Revolution undecided as to the course he should take in the struggle between the colonies and the mother country, his sympathies were subsequently enlisted on the side of the former, and no truer patriot was to be found than he. Upon retiring from office and active life, the remainder of his days was marked by acts of piety towards God and beneficence to mankind. He died on the 10th of March, 1811, at the advanced age of ninety-six years.*

NOAH SABIN JR.,

son of Noah Sabin,
was born at Rehoboth, Massachusetts,
on the 20th of April,
1750, and removed



with his father to Putney, when he was about eighteen years old. He held the office of register of probate for Windham county, from 1791 to 1801, and from the latter year until 1808 was judge of probate, in which station he succeeded his father. He was early elected a justice of the peace, and filled the office for nearly half a century. He represented the town of Putney in the General Assembly during the years 1782, 1783, 1784, 1785, and 1787. His death occurred at Putney on the 5th of December, 1827, in the seventy-eighth year of his age. From an obituary notice, written soon after his decease, the following passages are taken :—

* MS. Letter from Rev. A. Foster of Putney, April 5th, 1852. Doc. Hist. N. Y., iv. 1022. See *ante*, pp. 398, 399.

"Judge Sabin was a man of sound mind, of a placid temper, and manifested upon all occasions that urbanity of deportment which commanded the love and respect of his acquaintance. He was an early settler of the town [of Putney], and ever took an active interest in its civil and religious concerns. He was more than forty-seven years a magistrate, and sustained for many years the office of judge of probate, and other offices, with honor to himself, and with usefulness to the public. He discharged the duties of office with such firmness and fidelity as to escape with a much less share of censure than is common in like cases.

"As a Christian, he appeared humble and unostentatious, steady and uniform in his principles and practice. He seemed always to love religion, and to be governed by a sacred regard for its doctrines and duties. It appeared to be his stay in the closing scenes of life. He was resigned to the will of God and ready to depart at His bidding. He was willing to be absent from the body, and to go to be present with the Lord."*

PAUL SPOONER



was for many years actively engaged in advancing the interests of Vermont, and

enjoyed the fullest confidence of the people of that state. He was a member of the Council from 1778 to 1782, when he was chosen lieutenant-governor of the state. In this position he was continued until the year 1786. He was a judge of the Supreme court in 1779, 1780, and from 1782 to 1788. During the years 1781 and 1782 he served as judge and register of probate for Windsor county. In the year 1779 he was the town-clerk of Hartland in Windsor county, and having subsequently removed to Hardwick, in Caledonia county, was chosen the first clerk of that town in 1795. During the years 1797, 1798, and 1799, he represented the citizens of Hardwick in the General Assembly of the state. Of the respect with which the

* Brattleborough Messenger, December 21st, 1827, vol. vi. No. 47.

early officers of Vermont were treated, the following incident affords a good example. On one occasion the Rev. Elisha Hutchinson, the first minister of Pomfret, Vermont, was preaching a sermon at Hartland, in a private house, when Mr. Spooner entered the room. Pausing in the midst of his discourse, the reverend minister informed his audience that he had "got about half through" his sermon, but as Governor Spooner had come to hear it, he would begin it again. Then turning to a woman who sat near him, he said, "My good woman, get out of that chair and let Governor Spooner have a seat, if you please!" Mr. Spooner was accommodated, and Mr. Hutchinson repeated the first part of his sermon, much to the edification, it is supposed, of those who had already heard it.*

JONATHAN STEARNS.

PRIOR to the Revolution, Jonathan Stearns was engaged in the practice of the law in the eastern portion of the New Hampshire Grants, and was generally regarded as a man of ability. In an account presented at New York on the 5th of May, 1775, by some of the officers of the court, it was stated that he "was in the unhappy event that happened between the *posse* of the county of Cumberland and a body of rioters," at Westminster, on the 13th of March previous. In company with Samuel Knight, who was also a lawyer of that county, "he happily escaped the fury of the mob and went immediately to Boston." On his arrival in that city, "General Gage advised him to repair to New York with the utmost expedition, to give information to government of the state of the county." He reached New York on the 29th of March, and having presented an account of the affray, of which he had been a partial witness, was reimbursed the expenses of his journey, to the amount of £7 18s. He subsequently removed to Nova Scotia, and was attorney-secretary of that province.†

* Deming's Cat. Vt. Officers, p. 75, *et passim*.

† Council Minutes, in office Sec. State N. Y., 1765-1788, xvi. 485. The Rangers, by D. P. Thompson, ii. 93. See *ante*, p. 674.

MICAH TOWNSEND,

Micah Townsend

WHOSE name has frequently occurred in these pages as a corre-

spondent of Gov. George Clinton, deserves to be held in remembrance as one of those worthy fathers of Vermont, whose sterling virtues and wisdom, and indomitable courage, carved out and shaped the destiny of that state, amid scenes of convulsion at home and abroad. The influence which he exercised and the service which he rendered, at a period in the state's history when education was at a low ebb, though not of that bold and dazzling kind which characterizes the deeds of military heroes, and on which contemporary historians so often delight to seize to spice their pages, and keep alive the momentary excitement, were valuable and duly appreciated by those engaged with him in perfecting the organization of Vermont. Though in principle and habit an emphatical lover of peace, he was a sincere patriot, having the true interests of his country deeply at heart.

Henry Townsend, the first of the family who settled in America, came from England to Long Island previous to the year 1687. His son Micajah Townsend having married Elizabeth Platt, their son the subject of this notice was born at Cedar Swamp, Oyster Bay, Long Island, on the 13th of May, 1749, O.S. After pursuing the studies commonly taught in elementary schools, and others under the guidance of a neighboring clergyman preparatory to a collegiate course, he entered at the age of fourteen the college of Nassau Hall in Princeton, New Jersey, during the presidency of Dr. Elihu Spencer. At the end of four years, having completed the usual course of academic studies he proceeded Bachelor of Arts on the 8th of October, 1766, and during the presidency of Dr. John Witherspoon proceeded Master of Arts on the 5th of October, 1769. On leaving college in 1766, he immediately commenced the study of the law, in the office of the Hon. Thomas Jones, a distinguished barrister and attorney in the city of New York, and subsequently a justice of the Supreme court of the province of New York. Having continued this pursuit for the term of four years, he was admitted to the practice of the law on the 6th of

April, 1770, by a commission under the hand and seal of the Hon. Cadwallader Colden, lieutenant-governor of the colony.

Soon after his admission to the bar, he established himself in his profession at the White Plains, in Westchester county, where he remained until after the commencement of the war of the Revolution. Attached by conviction and by principle to the cause of the colonies, he freely lent his efforts to advance that cause. He served as clerk of the Westchester county committee of safety, and on the 22d of June, 1776, was appointed to the command of a company of militia in that county, containing fifty men, including officers, which had been raised to defeat the machinations of the Tories who abounded in that region. On the 25th of July following, he was ordered to take post at the mouth of Croton river, and continued on duty in and about that locality until the end of October. On the night of the 1st of November, it became evident to General Washington, that the British were preparing to take possession of the heights in the neighborhood of the White Plains, which he then held with his troops. In order to gain a more secure position, he broke up his camp, and having previously set fire to the houses in the White Plains and the neighborhood, removed his forces to a more mountainous region, in the vicinity of North Castle. The destruction of the village where he had at first entered upon the active duties of life, was doubtless the immediate cause which led Mr. Townsend to seek in the interior of the country a residence less exposed to the disturbances of that exciting period. Removing to the beautiful village of Brattleborough, he was soon surrounded by friends, and on the 15th of August, 1778, married Mary, a daughter of Col. Samuel Wells.

In the controversy which at this time raged with peculiar animosity in the south-eastern portion of Vermont, Mr. Townsend, at the first, sided with the supporters of the New York jurisdiction, and was in constant communication with Governor Clinton. His letters, extracts from which have been given in the body of this work, were always prepared with accuracy, expressed in well-chosen language, and engrossed in a chirography of singular beauty. He was frequently entrusted with the conduct of important negotiations between the provincial government of New York and its supporters in Vermont, and never failed to perform his duty in a manner which gave the

completest satisfaction. In the supply bill passed by the Legislature of New York on the 4th of November, 1778. the sum of £60 was appropriated to him, in payment of his "expences in attending upon the Legislature, on the business of quieting the disorders prevailing in the north-eastern parts of the state."

The share which he had taken in military affairs while at the White Plains, had secured for him the enmity of the Tories who infested that part of the country, and, when occasion offered, they did not fail to clothe this feeling in deeds. In the year 1781, having obtained permission from Governor Clinton to visit Long Island, he performed the journey, but in a letter to the Governor, written at Fishkill, on the 16th of May, 1781, while on his way home, he informed his Excellency that he had met with abuse in the city of New York from the Westchester refugees; had been "once carried before his Worship," the British mayor of that city; and had been obliged to take a different route on his return, to avoid his "old enemies," who were lying in wait to take him. "A thousand pounds," said he, "would not tempt me to a similar visit."

Having come to the conclusion, after an honest and careful review of the circumstances, that New York would never be able to substantiate her claim to the New Hampshire Grants, or to enforce her laws in that district, he took the oath of allegiance to and became a citizen of Vermont. In the practice of his profession, though not distinguished as an eloquent advocate, he possessed, what was of more value than eloquence, the estimation of the community for integrity. By reason of his legal attainments and the soundness of his judgment, he was esteemed the first lawyer in the state, and during the twenty-four years of his residence in Brattleborough, his practice was successful and profitable. At this place, his children, five daughters and three sons, were all born. In the year 1781, he was chosen judge and register of probate for Windham county, and held those offices until the year 1787.

The constitution of Vermont, which had been established by a convention on the 2d of July, 1777, was never submitted to the people for popular discussion, lest in those critical times, when unanimity was the only strength, its consideration should create disunion. Having been acted upon, as an *experiment*, for eight years, it was found to admit of so many practical abuses that its revision was regarded as imperative. This duty

devolved upon a council of censors, who were chosen from the ablest men in the state for this specific purpose, and of this council Micah Townsend was the secretary. Their sessions were held at Norwich in June, 1785, at Windsor in September and October following, and at Bennington in February, 1786. All the members of this body, doubtless, participated in the discussions of the various points embraced in the work they had in hand, and justly shared in the honor of the labor. But their secretary alone, could mould and shape the honest but crude suggestions, into the clear and explicit form of legislative procedure. The discriminating acumen acquired by his legal education, gave him an ability in drafting judicial and legislative documents, which was then as important as it was rare, and was duly appreciated by such men of his associates as the Hon. Messrs. Marvin, Robinson, Mosely, Walbridge, Marsh, Jacob, and Hunt.

In the year 1781, Mr. Townsend was called to fill the office of secretary of state, under the administration of the Hon. Thomas Chittenden, and was continued in that station by annual election until 1788. While occupying this position, his habits of promptitude and regularity enabled him, by reforming the looseness and confusion which had prevailed in the department, to establish system and order. By these means, access to the records was rendered easier, and the facilities for the dispatch of business were increased.

Pending the controversy between New York and Vermont, Micah Townsend was, on the 10th of July, 1784, arrested in the city of New York, by Seth Smith, "solely for his officiating in the line of his duty as clerk of the county court of Windham county," and was obliged to give bail in the sum of £2000 for his appearance. The matter having been laid before the General Assembly of the state, an act of indemnity was passed at the next session of the Legislature, by which commissioners were appointed to sell lands in the state of Vermont, belonging to citizens of New York, until money enough should be raised from the sales, to reimburse Mr. Townsend all the expenses consequent upon his arrest.

For domestic reasons Mr. Townsend resigned his state secretaryship in 1788, much to the regret of all persons connected with the government. On tendering to the Legislature the seals of his office, the event was noticed by the House in the following complimentary resolution:—

“ In General Assembly, 21st October, 1788.

“ *Resolved*, that this House having accepted the resignation of Micah Townsend, Esqr., late Secretary of this State, feel themselves obliged to express the warmest sentiments of gratitude to that gentleman, for the fidelity and skill with which he has discharged the duties of his said office. That it is with reluctance we consent that an officer of state of his ingenious accomplishments, which have been so faithfully and to so general satisfaction exerted for the public good, should so soon retire from the station he has filled with advantage to the state, and honor to himself.”

His services were rendered with great fidelity, and were left to the judgment of those for whom he labored, without any subsequent effort to bring them into notice. The estimation in which they were held by a man whose memory will ever be fresh in the hearts of the inhabitants of Vermont, affords additional evidence of their value. “ In the year 1835, I was in Middlebury,” writes his son, the Rev. Canon Townsend, “ and called upon the Hon. Nathaniel Chipman, an early friend of my father, from whom I learned the high estimation in which he was held for his integrity, the clearness of his intellect, and his legal attainments. This opinion he illustrated by saying, ‘ The state of Vermont would this day have been far wiser and richer could she have retained his services from the time of his resignation to the present, at a salary of ten thousand dollars *per annum*.’ ”

He now retired from all public business to the bosom of his family, residing still in Brattleborough until the year 1801, when he disposed of his estate at that place to the Hon. Royall Tyler, and with his family dwelt in Guilford for one year. In the spring of 1802 he removed to the township of Farnham, Lower Canada, where a grant of land had been made by the British government of twelve hundred acres to each of the children of Col. Samuel Wells, as a compensation for the losses sustained by their father during the revolutionary war. He lived here in retirement, devoted to domestic and religious duties until 1816, when he changed his residence to Clarenceville, that he might spend the evening of his life with his son, the Rev. Micajah Townsend. Although for many years he had intended not to engage again in public business, yet as his

health was good and his faculties unimpaired, he yielded to the solicitation of the people to make himself useful among them as a justice of the peace, and from the Governor, the Earl of Dalhousie, he received the appointment of judicial commissioner for the trial of small causes. At length admonished by the infirmities of age, he resigned these offices, and filled up his time in gardening, reading, and meditation.

In the year 1831 he was called to part with the faithful wife of his youth, who died on the 27th of June, at the age of seventy-one, in the peace and joy of Christian hope. To her he had been united for more than half a century, and he mourned her loss with deep sorrow and a chastened submission. Her departure was regarded by him as a solemn premonition of his own decease, at no distant period, and this presentiment was soon verified, for he survived her but ten months. About the middle of the following spring he was attacked with chills and fever, and on the 23d of April, 1832, his mortal life terminated at the age of about eighty-three.

He was a member of the Masonic fraternity, and, according to the certificate of lodge No. 2 of the province of New York, was elevated to a Master Mason's degree on the 14th of June, 1770. His moral character was marked for its truthfulness, integrity, justice, and honesty. His mind was stored with varied and extensive knowledge. His style of writing was plain, classical, and elegant. His business habits were characterized with system, order, and correctness. His disposition was mild, amiable, and forgiving. His personal deportment was dignified yet unforbidding, and his manners graceful, polished, and gentlemanly. For the last thirty years of his life, his daily practice was to retire for an hour at twilight for meditation and prayer, and yet his personal piety which was thus sustained, and was further evinced by a constant attendance on public worship and communion in the Episcopal church, of which he had been from youth a member, was of a meek and unobtrusive character, commending itself more by deeds than words.

Though his physical activity was abated by age, his bodily health was unimpaired, and his sight and hearing, and appetite for food and sleep undiminished. His mental powers, upheld by the habit of reading, had lost but little of their vigor, and he could compose and write with his customary ease and perspicuity up to the time of his last illness. His remains were

deposited by the side of those of his wife, in the cemetery of the parish of St. George, Clarenceville, Lower Canada.*

AMOS TUTE.

THE name of Amos Tute appears first as connected with the settlements bordering the banks of the Connecticut river, in a muster roll of a company of rangers commanded by Capt. John Burk, who were stationed at Hinsdale's Fort, in the year 1757. He was one of the earliest inhabitants of the town of Vernon, and, for the period in which he lived, was a man of wealth and influence. In the year 1755, Mrs. Jemima Howe, who was afterwards known as the "Fair Captive," was taken prisoner by the Indians, and carried to Canada. On her return she became the wife of Mr. Tute. In 1768, Mr. Tute, by a commission from Cadwallader Colden, Lieutenant-governor of the province of New York, was appointed, on the 7th of April, a coroner for Cumberland county, and held that office until the breaking out of the revolutionary war. The inquest on the body of William French, who was shot at the Westminster Massacre, was held before him, and his name appears on the paper which declared the result of this investigation.

To those curious in epitaphic lore, the following inscription may not prove uninteresting. It is copied from the stone which marks the grave of his son Jonathan, in the burial ground at Vernon, and was probably composed by the Rev. Bunker Gay, of Hinsdale, New Hampshire.

Memento Mori.

Here lies cut down like unripe Fruit
A Son of Mr Amos Tute

* Many of the facts contained in this notice were supplied by the Rev. Canon Micajah Townsend, of Clarenceville, Lower Canada, the only surviving son of Micah Townsend. The other sources consulted are, the George Clinton Papers, in N. Y. State Lib., vol. viii. doc. 2397; vol. xii. doc. 8718. Petitions in office Sec. State N. Y., xxxiii. 104. Journal N. Y. Prov. Cong., i. 503, 541, 744, 952; ii. 464. Laws of N. Y., Holt's ed., 1777-1783, p. 47. Barber's N. Y. Hist. Coll., ed. 1841, pp. 463, 598-601. Journal Gen. Ass. Vt., Oct. 1784, pp. 13, 29. Williams's Hist. Vt., ii. 262. Slade's Vt. State Papers, pp. 491, 511, 516, 531. Deming's Cat. Vt. Officers, *passim*.

And M^{rs} Jemima Tute his Wife
 Call'd Jonathan of Whose frail Life
 The days all Summ'd (how Short th' Account)
 Scarcely to fourteen years Amount
 Born on the Twelveth of May Was He
 In Seventeen Hundred Sixty Three
 To Death he fell a helpless Prey
 April the Five & Twentieth Day
 In Seventeen Hundred Seventy Seven
 Quitting this World We hope for Heaven
 But tho his Spirits fled on High
 His body mould'ring here must lie
 Behold the amazing alteration
 Effected by Jnoculation
 The Means improv'd his Life to Save
 Hurr'd him headlong to the Grave.
 Full in the Bloom of Youth he fell
 Alas What human Tongue can tell
 The Mothers Grief her Anguish Show
 Or paint the Fathers heavier Woe
 Who now no nat'ral offspring has
 His ample Fortune to possess
 To fill his Place Stand in his Stead
 Or bear his Name When he is dead
 So God Ordain'd, His Ways are Just
 Tho Empires Crumble into Dust
 Life and the World Mere Bubbles are
 Set loose to these, for Heaven prepare.

In the same grave-yard are deposited the mortal remains of
 Amos Tute. His memorial is in these words:—

In Memory of
 Mr. Amos Tute,
 who died April 17th
 1790 in the 60th
 year of his
 Age.

*Were I so Tall to Reach the Pole
 Or grasp the Ocean with my Span
 I must be measured by my soul
 The Mind's the standard of the
 Man.*

By his will Mr. Tute devised "a certain tract or farm of land, situate and being in Brattleborough," for the use of the schools in that town.*

ROYALL TYLER.



Under the colonial government of Massachusetts, the Hon. Royall Tyler, who resided in Boston, held several stations of distinction. At that place his second son, the subject of this notice, was born, "in the neighborhood of Faneuil Hall," in the year 1758, and was at first called William Clark Tyler. On the death of his father, the name of the son was changed by an act of the General court, and at

the suggestion of his mother, to Royall Tyler, and under this name he entered Harvard College, at the early age of fourteen. While at this institution, he evinced a fondness for study and a readiness of apprehension which gave him a high position among the members of his class. His collegiate career was disturbed by the war of the revolution, but in spite of interruption he maintained an honorable standing, and on graduating in 1776, received the usual degree of B. A., and the appointment of valedictorian. In the same year the B. A. degree was conferred upon him by Yale College, as an honorary distinction. He proceeded Master of Arts at his own Alma Mater, in 1779, and received the same degree from the University of

* Acts and Laws of Vt., 1794, pp. 33, 34.

Vermont in 1811. In 1802, he was chosen a member of the corporation of the latter institution, which position he held until 1813, and was professor of jurisprudence in the same seminary of learning from 1811 to 1814.

Soon after leaving college he studied law with Francis Dana of Cambridge. During the war he served for a short time as aide-de-camp to General Lincoln, and was engaged in the same capacity in the years 1786 and 1787, "when that officer commanded the military force of Massachusetts, called out to suppress the rebellion of Daniel Shays." "He was also deputed by Governor Bowdoin to the government of New York, to make arrangements for the delivery of Shays and his adherents to the authorities of Massachusetts, should they escape to that state." For the purpose of conducting similar negotiations with the government of Vermont, he was sent to the General Assembly of that state, during the month of October, 1786. His energy and enterprise in this emergency were of great value in leading the neighboring states to take efficient measures in preventing the rioters from receiving external aid. After spending the years of his early manhood in the practice of the law, not only in Boston but in the neighboring towns, he removed to Vermont, and married Miss Palmer, the daughter of an old and valued friend. Becoming a citizen of Brattleborough, he, in 1801, purchased the residence of Micah Townsend. His abilities as a lawyer and a man of learning were already extensively acknowledged, and he soon numbered among his friends many of the most able, polished, and social gentlemen of his adopted state.

In 1796 he was appointed state's attorney for Windham county, and held the office until the year 1800. He presided as side judge of the Supreme court of Vermont from 1801 to 1806, when he was chosen chief judge. This position he retained until the year 1812. Party strife and ill health combined were the causes which prevented him from being chosen to fill this office for a longer period. From the year 1815 to the year 1821 he was register of probate for Windham county, and this, it is believed, was the last public station he was called to occupy. An idea of the originality of his style and manner in arguing a case, under circumstances calculated to produce embarrassment, may be gained from the following anecdote.

At a court held in Newfane, he undertook his first case after he left the bench. He had not practised for a long time, and

many of the lawyers at the bar had never heard him address a jury. At the period referred to, the disease of which he died—a cancer on the left side of the nose, near the eye—caused him to wear a patch of black silk on his face, which did not tend to improve his appearance. The case was one of importance, involving the property of his client, a certain Mr. Richardson. The opposing counsel, in presenting their pleas, made frequent reflections upon the ex-chief-justice, declaring that his faculties were failing, that he had a disease about him, and that he had been turned from the bench for incapacity. During the delivery of these sentiments Judge Tyler sat within the bar, taking no notes, and apparently entirely oblivious of what was passing around him. When the time came for him to address the jury, he rose in his place, and turning his back upon the twelve men whose minds he was desirous of influencing, called out to his client:—"Richardson! come here!" Richardson started up in great astonishment, and made his way through the crowded court-room to the railing within which the lawyers sat. "Richardson!" said Judge Tyler, turning to that individual, who was exceedingly surprised at the oddity of the proceedings, "go home! There is no use of your staying here! I thought you had a case, a good case!" He then went on, with his back to the jury and judge, to tell his client all the strong points of his case, making it very plain, or, at least, making it appear, that Richardson had been basely abused by the lawyers on the other side. "But," said he in conclusion, "I was mistaken in supposing you had any rights that could be maintained. It appears you have no case because my faculties are failing, and, what is worse, you have no case at all, *because I have this patch on my nose*. Go home! Go home! I can't be expected to say a word to the jury under such circumstances!" With these words Judge Tyler sat down. The opposing counsel were dumbfounded at this mode of attack, but the jury were only out long enough to make up for Richardson a most satisfactory verdict.

Social in his disposition and possessing a mind well stored with information derived both from books and their prototypes, men, he was the delight of all who knew him, and was the leading spirit on those occasions when the witty, the learned, and the wise were assembled. To high mental ability there was joined in his character an uncommonly benevolent and friendly disposition, which gained him the love and respect of many

attached friends. As a judge he was conscientious, clear-minded, and just, both by a natural sense of right and an extensive knowledge of precedents. His humanity, though naturally unbounded, was so guided as to produce the most beneficial results. As a citizen, he was public-spirited and liberal; as a neighbor, thoughtful and unobtrusive; as a husband, kind and attentive. His widow still survives him, in the enjoyment of all her mental faculties, though advanced in the octogenarian rank. The remains of Judge Tyler repose in the burial-ground at Brattleborough. A white marble stone, which marks the place of his sepulture, bears upon its face the following inscription:

ROYALL TYLER
 Reip. V. Mont. Cur. Sup. Jurid.
 Princ.
 MORTEM OBIT
 Die XVI. Aug. Anno Domini
 MDCCCXXVI.
 Etatis Suae
 LXVIII.
 Uxor et liberi
 ejus
 Hoc saxum ponendum
 Curaverunt.

As a contributor to the early literature of this country, Judge Tyler deserves to be held in honorable remembrance. The annexed account of his writings, is taken from that most valuable and tasteful work, the "Cyclopædia of American Literature."

"Royall Tyler was a wit, a poet, and a chief justice. His life certainly deserves to be narrated with more particularity than it has yet received. His writings, too, should be collected and placed in an accessible form. American literature cannot be charged with poverty, while it has such valuables uninvested, in its forgotten repositories." In the year 1786 while at New York, for the purpose of conducting some negotiations connected with the suppression of the Shays rebellion, "a comedy which he had written during his military service was produced on the stage. It was entitled 'The Contrast,' and has the distinction of being the first stage production in which the Yankee dialect and story-telling since so familiar in the parts written

for Hackett, Hill, and others, was employed. It was more than that. It was the first American play which was ever acted on a regular stage by an established company of comedians. It was played at the old John Street Theatre in New York, under the management of Hallam and Henry, April 16th, 1786.* Its success was such as to induce the author to produce a second, entitled 'May Day, or New York in an Uproar,' for the benefit of the actor Wignell in the May following.

"The Country Jonathan, in the 'Contrast,' on a visit to town, drops into the theatre with the expectation of seeing 'a hocuspocus man,' and sits out a performance of the 'School for Scandal' without any notion that he has visited a play-house. On being asked if he saw the man with his tricks: 'Why, I vow,' says he, 'as I was looking out for him, they lifted up a great green cloth, and let us look right into the next neighbor's house.' 'Have you a good many houses in New York made in that ere way?' he asks; and is told, not many. To an inquiry whether he saw the family, and how he liked them, he replies: 'Why, I vow, they were pretty much like other families. There was a poor, good-natured curse of a husband, and a sad rantipole of a wife.' At the close, he asks for his money, as he has not had the show. 'The dogs a bit of a sight have I seen,' he says, 'unless you call listening to people's private business a sight.'

"Tyler not long after gained considerable reputation by his contributions to that very pleasant newspaper and miscellany, one of the very best of its kind ever published in this country, the 'Farmer's Weekly Museum,' published at Walpole in New Hampshire, by Isaiah Thomas and David Carlisle. When Dennie became its editor, Tyler was called in to assist him with his contributions 'from the shop of Messrs. Colon and Spondee,' an amusing melange of light verse, and entertaining social and political squibs, which he had already opened in the journals, the 'Eagle' at Hanover, the 'Federal Orrery' at Boston, and the 'Tablet.'

"Tyler also published a series of papers with the title, 'An Author's Evenings,' in the 'Port Folio' for 1801, and subsequently. A liberal collection of the 'Colon and Spondee' papers is included in a volume published by Thomas and Thomas

* He gave the copyright to the principal actor in the piece, Wignell, who published it by subscription.

at Walpole in 1801, entitled 'The Spirit of the Farmer's Museum, and Lay Preacher's Gazette.' His facility in verse in these compositions was remarkable. He had great command of versification and an abundant fund of impromptu humor. His 'Colon and Spondee' articles are divided between federal politics, attacks on French democracy, the Della Cruscan literature, and the fashionable frivolities of the day. The paragraphs in prose show the author's wit, taste in literature, and strongly marked opinions of the federal school in politics.

"In 1797, he wrote a comedy in three acts, 'The Georgia Spec, or Land in the Moon,' in ridicule of a speculating mania for wild Yazoo lands. It was repeatedly performed in Boston with success. He wrote some other dramatic productions, but none of them have been published.

"In 1797, appeared from the press of David Carlisle, at Walpole, in two volumes, his 'Algerine Captive, or the Life and Adventures of Updike Underhill: Six Years a Prisoner among the Algerines.' It is dedicated to the poet Humphreys. This work is said to have been mistaken by an English critic for a narrative of actual adventure. It is a fictitious book of memoirs, in which the author ventilates his opinions on various topics of American society, paints the horrors of the slave-trade, and the now almost incomprehensible grievances which the European and American powers for a long time endured from the assumptions of the Algerines. In the close of the work, there are some sketches of Mahometanism. The book is written in short chapters, with spirit and neatness of style. There is quite enough of ingenuity in the thought, coupled with the descriptions of the manners of the times, to redeem this work from the neglect into which it has fallen. Though printed in, at least, a second American edition, it is now exceedingly scarce.

"In 1799, he composed a Fourth of July ode for the public celebration of the day at Windsor, Vermont, and a convivial song for the same occasion. He was frequently called upon for these services, and for the occasional prologues in vogue at charitable and other theatrical benefits.

"In 1804, we notice Tyler as a contributor of verses to the 'Columbian Sentinel.' In 1809, he published two volumes of 'Reports of Cases in the Supreme Court of Vermont.' He still continued to write for the journals, in the Port Folio, and in other quarters. Some of his latest productions appeared in the 'New England Galaxy.' In 1806, he was a contributor to

Buckingham's monthly periodical, 'The Polyanthus,' of the papers entitled 'Trash,' and a number of fugitive poetical pieces, and again, on the revival of the publication in 1812."

Though the writings of Judge Tyler are but little known at the present day, yet his ability has been warmly eulogized by those best acquainted with his scattered productions. "Tyler's contributions to the Farmer's Museum," observes the Hon. J. T. Buckingham, "were numerous, and, if collected, would fill several volumes. He wrote rapidly, and could vary his style 'from grave to gay, from lively to severe,' as easily as he could draw on his glove. Most of the articles, purporting to be 'from the Shop of Messrs. Colon and Spondee,' were written by him; the poetical pieces, I believe, are all of his composition. These he generally threw off with a dash of the pen, seldom taking any pains to revise them. They are noted for inaccuracy of rhymes—a defect which he thought hardly worthy of his attention,—but they are remarkable for sprightliness of thought and expression, and an easy flow of language. They embraced topics of all sorts, local and general, temporary and permanent, and were well charged with wit and humor. The complexion of the political articles was purely *federal*." The remarks of the Rev. Hosea Beckley respecting the literary efforts of Judge Tyler, though a little adulatory, are worthy of notice. "His Algerine Captive is one of the best works of the kind which our country has produced, and is evidence of great invention and versatility of talents in the writer. Several of his charges to juries and condemned criminals were published, and are specimens of elegant composition, as well as evidence of his professional knowledge. He was a man of ready wit and great facetiousness. So innate was his vein of humor, that in his last days, under the painful and melancholy inroads of a cancer, scintillations from his happy genius would occasionally burst forth. His pen was often applied to correct and polish manuscripts designed for the press."*

The limits of this sketch will not allow of the introduction of

* Harv. Coll. Triennial Catalogue. Yale Coll. Triennial Catalogue. Thompson's Vt., Part II. pp. 149, 150. Deming's Catalogue Vt. Officers, *passim*. Ira Allen's Hist. Vt., p. 248. Beckley's Hist. Vt., p. 274. Cyclopaedia of Am. Lit., by E. A. and G. L. Duyckinck, i. 415-420. Dunlap's Hist. Am. Theatre, London ed., 1838, pp. 135-141. Monthly Anthology, Boston, ix. 344-347. Buckingham's Specimens of Newspaper Literature, i. 161, 162; ii. 177, 197, 199-210, 226. The Spirit of the Farmer's Museum and Lay Preacher's Gazette, Walpole, N. H., 1801, *passim*.

but one extract from his writings. That selected is a chapter from the *Algerine Captive*. The author, in this instance, appears as a surgeon on board of a slaver. The title of the chapter is—

“TREATMENT OF THE SLAVES ON BOARD THE SHIP.—Of one hundred and fifty Africans, we rejected seventeen, as not merchantable. While I was doubting which to lament most, those who were about being precipitated into all the miseries of an American slavery, or those whom we had rejected, as too wretched for slaves, Captain Russell was congratulating the slave contractors upon the immense good luck they had, in not suffering more by this lot of human creatures. I understood that, what from wounds received by some of these miserable creatures at their capture, or in their violent struggles for liberty, or attempts at suicide; with the fatigue of a long journey, partly over the burning sands of a sultry climate, it was usual to estimate the loss in the passage to the sea-shore, at twenty-five per cent.

“No sooner was the purchase completed, than these wretched Africans were transported in herds aboard the ship, and immediately precipitated between decks, where a strong chain, attached to a staple in the lower deck, was riveted to the bar, before described; and then the men were chained in pairs, and also handcuffed, and two sailors with cutlasses guarded every twenty: while the women and children were tied together in pairs with ropes, and obliged to supply the men with provisions, and the slush bucket; or, if the young women were released, it was only to gratify the brutal lust of the sailors: for, though I cannot say I ever was witness to an actual rape, yet the frequent shrieks of these forlorn females in the berths of the seamen, left me little charity to doubt of the repeated commission of that degrading crime. The eve after we had received the slaves on board, all hands were piped on deck, and ordered to assist in manufacturing and knotting cat-o'-nine-tails, the application of which, I was informed, was always necessary to bring the slaves to their appetite. The night after they came on board, was spent by these wretched people in sobbings, groans, tears, and the most heart-rending bursts of sorrow and despair. The next morning, all was still. Surprised by this unexpected silence, I almost hoped that Providence, in pity to these her miserable children, had permitted some kindly suffocation to put a period to their anguish. It was neither novel nor unex-

pected to the ship's crew. 'It is only the dumb fit come on,' cried every one; 'we will cure them.' After breakfast, the whole ship's crew went between decks, and carried with them the provisions for the slaves, which they one and all refused to eat. A more affecting group of misery was never seen. These injured Africans, preferring death to slavery, or perhaps buoyed above the fear of dissolution by their religion, which taught them to look with an eye of faith to a country beyond the grave, where they should again meet the friends and relatives, from whose endearments they had been torn, and where no fiend should torment, or Christian thirst for gold, had, wanting other means, resolved to starve themselves, and every eye lowered the fixed resolve of this deadly intent. In vain were the men beaten. They refused to taste one mouthful; and, I believe, would have died under the operation, if the ingenious cruelty of the clerk, Randolph, had not suggested the plan of whipping the women and children in sight of the men; assuring the men they should be tormented until all had eaten. What the torments, exercised on the bodies of these brave Africans, failed to produce, the feelings of nature effected. The negro, who could undauntedly expire under the anguish of the lash, could not view the agonies of his wife, child, or his mother; and, though repeatedly encouraged by these female sufferers, unmoved by their torments, to persevere unto death; yet, though the *man* dared to die, the *father* relented, and in a few hours, they all ate their provisions, *mingled with their tears*.

"Our slave dealers being unable to fulfil their contract, unless we tarried three weeks longer, our captain concluded to remove to some other market. We accordingly weighed anchor, and steered for Benin, and anchored in the river Formosa, where we took in one hundred and fifteen more slaves. The same process in the purchase was pursued here; and, though I frequently assured the captain, as a physician, that it was impracticable to stow fifty more persons between decks, without endangering health and life, the whole hundred and fifteen were thrust with the rest, between decks. The stagnant confined air of this infernal hole, rendered more deleterious by the stench of the *fæces*, and violent perspiration of such a crowd, occasioned putrid diseases; and even while in the mouth of the Formosa, it was usual to throw one or two Negro corpses over every day. It was in vain I remonstrated to the captain. In vain I enforced the necessity of more commodious berths, and a more free influx

of air for the slaves. In vain I represented, that these miserable people had been used to the vegetable diet and pure air of a country life; that at home they were remarkable for cleanliness of person, the very rites of their religion consisting almost entirely in frequent ablutions. The captain was, by this time, prejudiced against me. He observed that he did not doubt my skill, and would be bound by my advice, as to the health of those on board his ship, when he found I was actuated by the interest of the owners; but, he feared, that I was now moved by some *Yankee nonsense about humanity*.

“Randolph, the clerk, blamed me in plain terms. He said he had made seven African voyages, and with as good surgeons as I was; and that it was their common practice, when an infectious disorder prevailed among the slaves, to make critical search for all those who had the slightest symptoms of it, or whose habits of body inclined them to it; to tie them up and cast them over the ship’s side together, and thus, at one dash, to purify the ship. ‘What signifies,’ added he, ‘the lives of the black devils? They love to die. You cannot please them better than by chucking them into the water.’

“When we stood out to sea, the rolling of the vessel brought on the sea-sickness, which increased the filth. The weather being rough, we were obliged to close some of the ports which ventilated the space between decks; and death raged dreadfully among the slaves. Above two thirds were diseased. It was affecting to observe the ghastly smile on the countenance of the dying African, as if rejoicing to escape the cruelty of his oppressors. I noticed one man, who gathered all his strength, and, in one last effort, spoke with great emphasis, and expired. I understood by the linguist, that, with his dying breath, he invited his wife, and a boy and girl to follow him quickly, and slake their thirst with him at the cool streams of their Great Father, beyond the reach of the wild white beasts. The captain was now alarmed for the success of his voyage; and upon my urging the necessity of landing the slaves, he ordered the ship about, and we anchored near an uninhabited part of the gold coast, I conjecture not far from Cape St. Paul.

“Tents were erected on the shore, and the sick landed. Under my direction they recovered surprisingly. It was affecting to see the effect gentle usage had upon these hitherto sullen, obstinate people. As I had the sole direction of the hospital, they looked on me as the source of this sudden transition from the

filth and rigor of the ship, to the cleanliness and kindness of the shore. Their gratitude was excessive. When they recovered so far as to walk out, happy was he, who could, by picking a few berries, gathering the wild fruits of the country, or doing any menial services, manifest his affection for me. Our linguist has told me, he has often heard them behind the bushes, praying to their God for my prosperity, and asking him with earnestness, why he put my good *black* soul into a *white* body. In twelve days all the convalescents were returned to the ship, except five who staid with me on shore, and were to be taken on board the next day."*

SAMUEL WELLS.



WITH the history of Cumberland county, the name of Col. Samuel Wells is closely connected. He was the son of Jonathan Wells and Mary, his second wife, and was born at Deerfield, Massachusetts, on the 9th of September, 1730. He had three brothers, Jonathan, David and Oliver, and two sisters, Mary and Rebecca. He married Hannah Sheldon, and in July, 1762, settled in Brattleborough on a farm of six hundred acres, situated about a mile north of the East village. Here was born his family of thirteen children, two of whom died in infancy. The remaining five sons and six daughters, all, with the exception of one daughter, married in Brattleborough. A grant of twelve hundred acres of land in Canada having been made to each of them by the Crown, as a compensation for the losses which Colonel Wells had suffered during the Revolution on account of his adherence to the King, they all removed thither between the years 1798 and 1802. The daughters were married to Samuel Gale, Ephraim Nash, Micah Townsend, Jonathan Gorton, Nathaniel Church, and Ephraim Stimpson. None of Col. Wells's children, bearing his name, were ever prominent men, nor yet of his sons-in-law, with the exception of Samuel Gale, who married Rebecca, his first daughter, and Micah Townsend, who married his third daughter.

* The Algerine Captive, ed. 1797, i. 195-204.

At the time of his removal to Brattleborough, the population of that portion of the New Hampshire Grants, was small and sparse, and many of the pioneers of civilization were contented when they were so fortunate as to secure a roof for shelter and food to sustain life. The condition of Colonel Wells was, however, superior to that of most of the early settlers of Vermont, and the influence of his character and position was for many years extensively acknowledged. Upon the establishment of Cumberland county by the government of New York, he was appointed a judge of the Inferior court of Common Pleas, a justice of the peace, and was authorized by a *dedimus potestatem* commission, to swear all who should take office in the county. The commissions issued in conformity with these appointments, were all dated the 17th of July, 1766, and he served under them until the authority from which they were derived ceased to be acknowledged by the people. During the same period he was the chief military man in the southern part of the county. When, in answer to the petition of the inhabitants of this district, the Council of New York, by an order dated the 23d of December, 1772, authorized them to choose two representatives to the General Assembly, Samuel Wells and Crean Brush were returned, and took their seats in the latter body on the 2d of February, 1773. As a memento of this election there is still preserved a note, written to Colonel Wells by John Bolton, who was probably a successful wire-puller, dated at "Westminster, June the 11th, 1773." It is to be regretted that the items covered by the word "Nesesares" were not stated. The note is in these words:

"Sir: I have paid unto Jont. Safford nine Shillings and Six pence Lawful money of the Bay Province, for Nesesares the People of Halifax had when they Come to Lextion if you wold be so good as to pay y^e same to Mr. Whipple y^e Bearer by next thursday so as he may bring it to me, you will much oblige your Humble Servt."

At the time of the "Massacre" at Westminster in 1775, Colonel Wells, although one of the court judges, was in attendance upon the General Assembly at New York, and was not aware of the circumstances connected with the development and results of the affray, until the arrival of the messengers who had been dispatched with the tidings. In connection with his colleague Brush, he is supposed to have been instrumental in preparing the depositions which were signed by the messen-

gers and presented to the Assembly, containing an account of the "Massacre" favorable to the action of the Crown adherents, and condemnatory of the conduct of the Whigs. In the same year, during the recess of the Assembly, "he joined the ministerial members in a letter to General Gage at Boston," and seldom failed to evince a loyal disposition, even after policy had dictated an opposite course of action. On suspicion of having been engaged in an attempt to introduce arms into Cumberland county in behalf of Great Britain, for the purpose of reinstating and maintaining the administration of justice therein, he was examined before the New York committee of safety on the 12th of September, 1775, during the recess of the Provincial Congress, but he was dismissed, nothing having been proved against him. Though opposed to the American cause, he had sufficient skill and influence to preserve his property from confiscation, but was not able wholly to escape the odium which attached to a Loyalist, or the punishments which a profession of this nature so often incurred. From the records of the committee of safety for Cumberland county, it appears that Lieut. Leonard Spaulding, a most patriotic member from Dummerston, allowed his enmity towards Colonel Wells to manifest itself, on one occasion, in a most improper manner. The incident referred to was noticed by the committee in their proceedings on the 25th of July, 1776, and in order to wipe out the disgrace which had been cast upon them by the unwarranted act of the fiery Dummerstonian, they resolved "that Lieutenant Spaulding make suitable Confession to this Committee for his Conduct in Taking Col^o. Wells by military force; that mode of proceeding Being Contrary to the minds of this Committee, and also a Violation of a Certain Resolve formerly passed by this Committee." To this resolution is appended the following note:—"Mr. Spaulding Comply'd with the above Vote by his making proper Confession, &c." In the New York Gazette under date of June 23d, 1777, it is stated that "Judge Wells of Brattleborough had been lately confined to his farm and otherwise ill-treated," and it is known that, for a long time, permission was granted to any one to shoot him, should he be found beyond the bounds of his acres.

His devotion to the interests of the mother country, though it did not lead him to avow openly the principles of a Loyalist, was sufficiently strong to enlist his services in a private manner in her behalf. During the period in which the British agents

in Canada were endeavoring to negotiate an alliance with the principal men in Vermont, for the purpose of reducing that state to the condition of a Crown province, his efforts were directed in behalf of this end. In a letter to General Frederick Haldimand, dated at New York, May 8th, 1781, and written, it is supposed, by Beverly Robinson, notice is taken of the willingness of Wells to promote the interests of Great Britain. "Colonel Wells of Brattleborough," said this writer, "has sent his son-in-law* with verbal information that throws great light upon the conduct of Vermont. We take him to be a friend, and he says by this messenger that you know him to be so. Is it true? He offers his services for a monthly interchange of letters between Canada and the coast of Connecticut, where we are to find a friend to give and receive dispatches. Do you approve of this confidence?"

That the offer of Wells was ultimately accepted, and that he and Luke Knowlton of Newfane, lent their aid to advance the interests of Great Britain, is proved by the following facts. In the month of April, 1782, Christopher Osgood of Brattleborough, a housewright by occupation, was hired by Knowlton to carry a letter to William Smith of the city of New York, who had formerly been chief justice of the province. The letter, it was supposed, was from General Haldimand, and was brought from Canada to Newfane by Solomon Ball. Osgood received from Knowlton twenty-eight dollars for this service, and on his return early in June, received from Smith an undirected letter, with verbal orders to deliver it to Knowlton and a reward of thirty guineas for his trouble. In the month of August following Shadrach Ball arrived at Brattleborough with another letter from Canada directed to Smith. Osgood was on this occasion employed by Wells, who gave him five pounds to take the letter to New York. After remaining a few days in that city, he set out on his return, being the bearer of a letter without direction from the British secretary Morgan, which he had orders to deliver to Wells. For this last service he was rewarded with fifty guineas. Of the information communicated he was ignorant, but was commanded to destroy the letters in the event of his capture.

The fact that an embassy of this character had been estab-

* Samuel Gale is probably referred to. His associates were among the British military, and his sympathies openly and wholly with royalty.

lished becoming known to the authorities of Rhode Island, measures were immediately taken to end it. In the latter part of October, or early in November, the sheriff of that state arrived in Brattleborough, arrested Christopher Osgood and carried him to Providence. Here on the 13th of November, at a session of the court of assize and general jail delivery, he was brought before the Hon. Paul Mumford, chief justice of the Superior court of judicature, and upon examination detailed the facts above stated. The "Information of Christopher Osgood" was on the 19th, sent by the Lieutenant Governor of Rhode Island to Congress, accompanied by a letter from that official. These documents, "containing evidence" as was then stated, "that some of the leaders in Vermont, and particularly Luke Knowlton, who had been deputed in the year 1780 to Congress as agent for that party opposed to its independence, but who had since changed sides, had been intriguing with the enemy in New York"—these documents were read in Congress on the 25th, and were referred to Samuel Osgood, Daniel Carroll, and John Rutledge.

In acting upon their report, which was presented on the 27th, Congress, by a resolution passed in secret session, directed the commander-in-chief "to take immediate measures for apprehending and securing Luke Knowlton of Newfane, and Samuel Wells of Brattleborough, both of the district of country commonly called the New Hampshire Grants, west of Connecticut river, and such others within the district aforesaid as there may be good reason to apprehend have been concerned with the said Knowlton and Wells in a dangerous correspondence and intercourse with the enemy." Permission was also granted to the commander-in-chief to notify to those "exercising authority in the district aforesaid" the grounds upon which the arrest was demanded. At the same time, the subject of the independence of Vermont was discussed, and representatives from a number of the states declared their views on the subject.

On the 3d of December, the same topic was again brought forward, and the opinion was openly expressed that the leaders of Vermont were "perfidious men." In order to warn the northern states of the dangers to which they were exposed by the machinations of internal foes, Congress resolved, in secret session, to furnish a copy of Christopher Osgood's declaration to the "supreme executives of the states of New Hampshire, Massachusetts, Connecticut, and New York." The charges

contained in his "information," implicating as they did, certain citizens of each of these states in "treasonable practices," rendered this course necessary for the safety of all. Pursuant to the resolution of the 27th of November, an officer was sent into Vermont to arrest Wells and Knowlton, but they had been previously informed that such an attempt would be made, and had left the state before the officer arrived. An account of this proceeding was sent to Congress by General Washington, together with the report of the officer who had been sent to make the arrest. From the representation of the latter, it appeared on the statement of Israel Smith of Brattleborough, "that Knowlton and Wells had received a letter from Jonathan Arnold, Esquire, at Congress, part of which was made public, which informed them that affairs in Congress were unfavorable to them, and would have them to look out for themselves." The subject was again considered on the 27th of January, 1783, and Mr. Arnold, who was present when the papers were read, expressed his surprise at the declarations which they contained respecting himself; denied that he had ever held any correspondence with either Knowlton or Wells; and requested a copy of the above charge. In this request he was indulged without opposition, "but it was generally considered," Mr. Madison observes, "notwithstanding his denial of the correspondence, that he had, at least at second hand, conveyed the intelligence to Vermont." A similar opinion was entertained by Governor Clinton. In a letter to Colonel Floyd, dated the 6th of February, 1783, he said:—"Wells and Knowlton have both fled the country, and there is strong reason to suspect they had notice of the measures which were taken for their apprehension, from a quarter too, where secrecy should have been observed. A letter from a member of Congress to a person in that quarter, is said to have given them the alarm." As to the design of Wells in this affair, there can be but little doubt that he aimed to reduce Vermont to a Crown dependency. Of the conduct of Knowlton, it is a fair inference that he was influenced by Wells to engage temporarily in advancing the views of that stern old Loyalist. His subsequent conduct, however, proved his hearty adherence to the American cause, and his true devotion to the best interests of Vermont.*

* There is reason for supposing, that Wells, while engaged in behalf of the British in the transactions detailed in the text, was regarded by the principal

Colonel Wells maintained his principles as a Loyalist firmly to the last. The opening sentence of his will, which was executed on the 28th of October, 1784, was in these words: "In the name of God, Amen, I, Samuel Wells of Brattleborough, formerly in the county of Cumberland, in the province of New York, but now the territory called and known by the name of the state of Vermont, do make my last will and testament in manner and form following," etc. Micah Townsend, his son-in-law, being one of the heirs and administrators under the will, and at the same time probate judge of the district of Marlborough, which district included Brattleborough, the General Assembly, by an act passed on the 21st of October, 1786, permitted the probate judge of the district of Westminster to administer on the will, "as fully and as amply as if the said Samuel Wells had died in the district of Westminster." Wells died deeply insolvent, his estate being valued at £1577 6s. 2½d., and his debts amounting to £5880 2s. 7½d. Among his creditors were Abraham Lot, Goldsbrow Banyar, William Wickham, the Hon. William Smith, Stephen Greenleaf, the estate of Crean Brush, and the estate of Josiah Willard.*

men of Vermont as friendly to their interests, and that he was admitted to their counsels. This opinion is supported by the following extract from Ira Allen's *History of Vermont*, in which an account is given of the flight of Wells.

"In January, 1783, the late Colonel Samuel Wells of Brattleborough, being engaged in transmitting letters from Canada to New York, one of his packets was intercepted, and fell into the hands of some of the officers of the Continental troops. In consequence of which, a captain, with a company from Albany, was dispatched to seize the Colonel, who, on being informed of this circumstance, left his house to take shelter in Canada. In his flight he put up at Captain Otly's, at Bromley, in the Green Mountains. While at supper, the [Albany] captain and his men came to the house, and put up for the night. Notwithstanding Colonel Wells was fully apprised of the captain's business, yet, reflecting that there was no dwelling at hand to which he could escape, and that such an attempt, besides, might awaken suspicions in the captain who was about to retire to rest, the Colonel went to bed, and remained there till his pursuers set out to Brattleborough, in hopes to find him there. Colonel Wells proceeded to Sunderland, to consult with General [Ethan] and Colonel [Ira] Allen, who advised him to set out for New York about twelve o'clock at night. A sleigh was accordingly provided for that purpose, which was brought to General Allen's door at the appointed hour, Colonel Wells set out in it, and having pursued his instructions, in the course of a few nights he arrived at New York in safety." p. 245.

* Doc. Hist. N. Y., iv. 696-699. Journal N. Y. Prov. Cong., i. 145. Madison Papers, i. 206, 209-212, 281, 282. Secret Journal of the Acts and Proceedings of Congress, i. 245, 246. Deposition of Elijah Prouty, Jan. 31st, 1783. George Clinton Papers, in office Sec. State N. Y., vol. xvii. doc. 4926. Probate Records of Windham Co. Journals Gen. Ass. Vt., Oct., 1786, pp. 56, 59. Journal Ass. N. J.,

The firmness with which he adhered to the cause of royalty during the struggles of the Revolution, subjected him, as has been shown, to many annoyances and losses, and led him to engage privately in attempts to advance the interests of the mother country. Still he was an intelligent, wealthy, and influential gentleman, and was much esteemed and beloved in his private character. Three years after the peace of '83, he died in Brattleborough. A plain, white marble head-stone in the old burying ground, marks the spot where his mortal remains repose, and bears the following inscription:—

In Memory of Col^o Samuel Wells of this town, a Judge of Cumberland County Court, and a Member of the Assembly of the Province of New York, who departed this life the 6th of Aug^r 1786, the 55th year of his age.

His friends, the stranger and the poor have lost
A kind companion and a generous host:
When he fell—the statesman fell,
And left the world his worth to tell.

DANIEL WHIPPLE.

DANIEL WHIPPLE of Brattleborough was appointed on the 17th of April, 1770, by commission from the colonial government of New York, to the shrievalty of Cumberland county, in the place of John Arms resigned, and held that position until the latter part of the year 1772. Of his honesty and ability different views were entertained by the judges presiding in the courts within his bailiwick. In a letter to Governor Tryon, dated the 6th of February, 1772, Judge Thomas Chandler stated that Whipple's conduct in striving to apprehend a party of rioters who had created much disturbance at Windsor, had led "His late Excellency the Earl of Dunmore, and the Honorable His Majesty's Council," to grant him a township of land as a reward for his services. Whipple presented this communication to Governor Tryon, but it does not appear that his application for

1782, p. 10. Journal Council N. J., 1782, p. 7. MS. Letter from Rev. Canon Micajah Townsend, dated July 1st, 1856. See *ante*, pp. 485, 503, 504.

a patent of the grant was allowed. On the 10th of October following, Samuel Wells and Noah Sabin, associate judges with Chandler, represented to Governor Tryon the unfitness of Whipple for his place. They accused him of charging and receiving mileage fees, when by law he was entitled to none; of remissness and negligence in the execution of his office, manifested by committing "almost the whole care thereof" to deputies ill-chosen and unfit for the trust; of exacting exorbitant and unlawful fees; and of refusing to receive prisoners into custody who had been taken on execution. Conduct like this they declared to be "totally subversive of the authority of the civil magistracy" in the county, and "highly prejudicial and displeasing to the well disposed inhabitants" therein residing. These statements were confirmed by Crean Brush, clerk of the county, and Whipple was soon after dismissed from office. He was succeeded by William Paterson, who was afterwards conspicuous at the "Westminster Massacre." The time of his death is not known, but the letters of administration taken out by Mary Whipple, administratrix upon his estate, were dated at New York on the 15th of April, 1775.*

JOSIAH WILLARD.

COL. JOSIAH WILLARD, the commander at Fort Dummer from 1740 to 1750, was the son of Henry Willard, who married Dorcas Cutler of Lancaster, Massachusetts. At this place he was born about the year 1693, and here he married Hannah Wilder. He was among the first settlers—a founder in fact—of Lunenburg, in the present county of Worcester, Massachusetts, for a long time a frontier town. His grandfather Major Simon Willard, who came to this country as early as 1655, was one of the first settlers of Concord, Massachusetts, and was "highly distinguished both as a civil and military character." His uncle, the Rev. Samuel Willard, was for a time vice-president of Harvard College. Colonel Willard died on the 8th of December, 1750. He bore the character of a faithful and intelligent public officer, and was without reproach in the relations of private and domestic life.

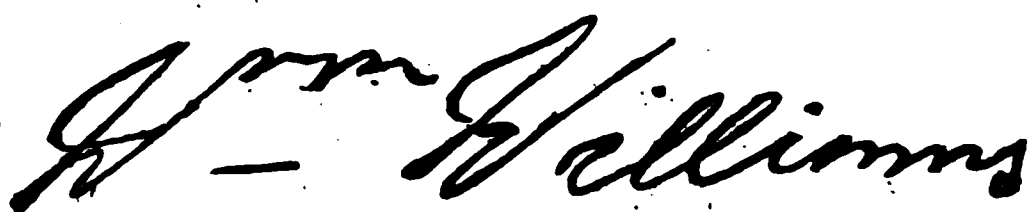
* N. Y. Colonial MSS., in office Sec. State N. Y., vol. xcix.

JOSIAH WILLARD JR.

JOSIAH WILLARD JR., a son of the former, was born in January, 1716, and married Hannah Hubbard of Groton. For several years he was intrusted with the charge of a garrison at Ashmelot (now Keene), New Hampshire, and in 1749 removed to Winchester in that province. On the death of his father he was promoted to the station he had held. Notice of this appointment was conveyed to the son by another Josiah Willard, a cousin, who for thirty-nine years was secretary of the province of Massachusetts by a royal commission. "I heartily join with you and your family," wrote the secretary in his letter dated the 18th of December, 1750, "in your Mourning for the Death of your Father, esteeming it a great publick loss. His Honor, the Lieutenant-Governor, has been pleased to appoint you to succeed him in the command of Fort Dummer, as will appear by the enclosed commission." With the office he also received the title which his father had borne. He was a member of the Assembly of the province of New Hampshire, and possessed great influence among the inhabitants on the "Grants." He died at Winchester in 1786, at which place the death of his widow occurred in August, 1791. The following notice of his death appeared in one of the gazettes of that period:—"Winchester, November 19th, 1786. This day departed this life, in sure hope of a glorious immortality, in the seventy-second year of his age, to the great loss of his family and friends, as well as the public in general, Josiah Willard, Esqr., an affectionate husband, a tender parent, a faithful friend, and a generous benefactor."*

* N. Y. Colonial MSS., Dummer, Tryon, in office Sec. State N. Y., January 30th, 1771, vol. xevii. Doc. Hist. N. Y., iv. 675. MS. Letter from Joseph Willard, Esq., of Boston. Worcester Magazine, 1786.

WILLIAM WILLIAMS.



In the year 1769,
Capt. William
Williams moved
from Northbo-
rough, Massa-

chusetts, with his family, and settled in the town of Marlborough, Vermont. He was very active in promoting the interests of the new settlement, and through his instrumentality Capt. Nathaniel Whitney and his brothers, Samuel and Jonas from Shrewsbury, Massachusetts, were induced to visit the place. Pleased with the locality, they purchased lands, became residents, and were always regarded as the most useful and influential citizens of Marlborough. To Capt. Williams is ascribed the credit of having erected the first framed building in the town. It was a barn, and was built on the farm subsequently owned by Simeon Adams.

Previous to his removal to Vermont, Capt. Williams had been engaged in the service of the colonies in the war which terminated with the peace of Paris, signed on the 10th of February, 1763. At the commencement of the war of the Revolution he early became interested in behalf of the American cause, and acknowledging the jurisdiction of New York over the New Hampshire Grants, was elected a delegate to the first Provincial Congress of that state, which commenced its session on the 22d of May, 1775. He was returned to the same position during the sessions which commenced on the 6th of December, 1775, and on the 14th of May, 1776. Desirous of aiding in the cause which he had embraced, he, on the 9th of June, 1775, in connection with Benjamin Wait and Joab Hoisington, offered his services to the Provincial Congress, promising, in case they should be accepted, to use his utmost endeavors to "raise a regiment of good, active, enterprising soldiers." The object of these patriots, as stated by themselves, was to form in Cumberland county a body of minute-men, who would be "duly prepared at the least notice to keep under proper subjection, regulars, Roman Catholics, and the savages at the northward ; as also, to be ready at all times, to defend our rights and privileges against ministerial tyranny and oppression."

Of the appreciation in which he was held as a soldier, an opinion may be formed from the following passage, taken from a letter written by Ethan Allen and Seth Warner to Eliphalet Dyer and Silas Dean, dated at Philadelphia, July 4th, 1775. "Capt. William Williams, who served in that rank in the ranging service with honour during the last war, and since has been a major of militia in Cumberland county, is desirous to join the battalion of Green Mountain Boys in rank of major, and complete a full regiment; and though the Green Mountain Boys are fully satisfied by the present arrangement, nevertheless, if the exigency of war shall render it expedient to make us a complete regiment, this gentleman will on notice, be at your Honours' service. His connections with many old rangers and marksmen, with his military abilities in such a department, would render him conspicuous, and very agreeable to our corps."

At the commencement of the campaign of 1777, efforts were made to place the northern frontier in a state of defence, and to accomplish in part this purpose, General Schuyler was empowered, by a resolution of the New York Provincial Congress, to dispatch one-fifth part of the militia of Cumberland county to reinforce the garrison at Ticonderoga. In reply to the requisition made upon Colonel Williams, in consequence of this resolve, he stated, in a letter dated the 13th of April, 1777, that the inhabitants were unwilling to serve in the battalions of the state of New York, but were ready to act as the militia of the New Hampshire Grants, or of a new state. Although it does not appear that he was present at the evacuation of Ticonderoga, which soon after took place, yet he distinguished himself at the head of a regiment in the battle of Bennington, on the 16th of August following, and shared in the glory of the victory which crowned the efforts of that day.

He did not long continue a resident of Marlborough. In 1777 he was a citizen of Wilmington, and during the years that followed, frequently changed the place of his abode. Having at last settled in the province of Lower Canada, he continued to reside there until the time of his decease, in 1823, the same year in which occurred the death of his wife. As an officer, he was brave, energetic, skilful, and humane: as a citizen, enterprising, active, and progressive: as a neighbor, kind, polite, and attentive. The elegance and symmetry of his form were as perfect as his manners were agreeable. He was held in

high estimation by the inhabitants of the various towns in which he dwelt at different times, and though of a wandering disposition, could easily accommodate himself to any circumstances in which he might be placed.*

—
AZARIAH WRIGHT,

Azariah Wright

who bore a prominent part in the proceedings connected with the "Westminster Massacre," was

noted for the boldness of his nature, and the eccentricity of his conduct. Of the time and place of his birth, and of the period at which he removed to Vermont, nothing is known. In the old French war, he served as a frontier soldier in Capt. John Burk's company of rangers, and was stationed at Hinsdale's Fort in 1757. Peculiarly fitted for the rough life of a pioneer, he delighted to act in those scenes which tended fully to develop his capacity to overcome the obstacles of an unknown wilderness, and never failed to exhibit an energy and a perseverance which commanded success. As early as the year 1770, he was the captain of a militia company at Westminster, and, owing to the precision with which, as a soldier, he had been taught to obey, became a most strict disciplinarian, and trained his men with all the severity and rigor of a martinet. Of the part which he performed in the affray which occurred at Westminster on the 13th of March, 1775, an account has been already given. During the winter of 1776, he went to Quebec with twelve men, but of his exploits on this occasion, no record has been preserved.

Being a staunch supporter of the cause of the colonies, he regarded with suspicion those who had rendered themselves liable to the charge of Toryism, and did not fail to express his views of them in the plainest terms. In the month of September, 1779, Thomas Chandler Jr., of Chester, was chosen to represent that town in the General Assembly of Vermont, and

* MS. Hist. of Marlborough, by Rev. E. H. Newton. Journal N. Y. Prov. Cong., i. 800; ii. 61, 481.

in the following October was elected speaker of the House. Regarding Chandler as an unfit person for these positions, Wright determined to obtain his removal. To effect this end, he addressed two letters to the Governor and Council during the session of the Legislature, dated March 14th, 1780, in which, in uncouth language, he blindly expressed his views as to the character of Chandler. The first letter was in these words:—

“To his Excellency Governor in Chief, Left Governor and prudent Council of Freemen with Greeting, I send, not forgetting the Independent State of Vermont. Fortitude Good Manners Honesty resolution makes a Free people, being not thoughtless of the fountain from whence, &c. Now Gentlemen I beg assistance as one Mr. Pompee of Chester has Borrowed of me the value of Six or Eight Silver Dollars in horse tackling which when required to return the Chief Speaker his Agent Thomas Chandler Esq^r answers for him in wrighting. Not Gentlemen that I should grieve myself for the loss of 6 or 8 Dollars, but with and, &c., that said Esq^r Chandler should be Chief Speaker for the black Ethiopian not for Whites. if your Honours Can do any thing I should remain your most obedient

“Azariah Wright.

“put Law in force sift the House.”

The offence charged in this letter seems to have been that Thomas Chandler Jr., while speaker, had appeared as an attorney in behalf of Pompey Brakkee, a negro.* The other note was as follows:

“Great is amarica, there terror starts all Yourope, Exolted be Varmount tho Little May be head, and ware the Crown of gustus, ferfull am I of that, while Deceit is att head, Not to condemn the whole, nor gustify any only by marit, it is amazing that People that have ben led to the Slaughter by Deceit Should trust the same man for there Counciller, thomas Chandler Esq^r I ment, who wrote to Incurrige the ferse Soons of Liberty to assembl att Westminster, Declaring he new his farthers mind, and by Deceit we lost two brave heroes these are to Remind Deceit and Shun Destruction To the Excelet Governors and Councle from your most obedent

Azariah Wright.

“Westminster March the—14—1780.”

The contents of these notes soon became publicly known, and, singular as it may seem, Chandler was in consequence “brought

* See ante, p. 331, nota.

into great discredit" among the representatives, and lost his seat as speaker. He immediately commenced a suit against Wright for libel, and laid his damages at £10,000 lawful money. On the trial which occurred in the month of June following, Wright pleaded not guilty, and the case having gone before a jury, the plaintiff obtained judgment for £3 damages besides costs. Within twenty-four hours after the decision was rendered, the case was reviewed. At an adjourned session of the court, held in August, Chandler obtained judgment against the defendant for the sum of £6, lawful money, damages, and £216, lawful money, costs of suit. Execution having been granted upon the property of Wright, it was satisfied in October, by the payment of eight hundred and six continental dollars.

But the peculiarities of his disposition were not displayed in libellous publications alone. According to a complaint presented by his wife, Miriam, it appears that on the evening of the 6th of December, 1780, he did "violently assault and beat her;" and that on the 11th of the same month, he did put her "in fear of her life and safety," by "taking his sword and other weapons dangerous," and brandishing them over her in a threatening manner. On being brought before the justices he was declared guilty of "a high breach of the peace," and was recognized in the sum of £500 lawful money, to appear before the county court at their next session. Of the proceedings on this occasion there is no record, but it may be reasonably supposed, that influences were exerted to induce him to exercise his pugilistic propensities in a more praiseworthy manner.

Captain Wright, or as he was familiarly called "Uncle 'Riah," was an Ethan Allen on a smaller scale. He was bold, rough, independent and outspoken. The singular recklessness of his character was often manifested in acts as thoughtless as they were strange. When the Rev. Joseph Bullen was first settled at Westminster, Uncle 'Riah, who was a church member in good standing, adhered strongly to the cause of the Rev. Mr. Goodell whose evil conduct had induced him to depart secretly from the town.* His antipathy to Mr. Bullen was as great as his friendship to Mr. Goodell was strong. So far did he carry his dislike to the former, as to administer to him a tweak of the nose, a cuff on the cheek, and "many other enormities," for which he was prosecuted, fined, and put under bonds to keep

* See *ante*, p. 211, note.

the peace. Notwithstanding these punishments, he committed another assault upon Mr. Bullen, in consequence of which the church resolved to excommunicate their rebellious member. On the Sunday appointed for this purpose, Uncle 'Riah made his appearance at church, duly equipped with his trusty "Queen's Arms," with which he paced the aisle during the whole of the time of service. As the exercises were closing, Mr. Bullen drew forth the letter of excommunication, and as he did so Uncle 'Riah stopped in his military march and faced him. As the paper was being opened, Uncle 'Riah brought the gun to his shoulder. The minister began to read. "Make ready!" shouted the captain, suiting the action to the order. Mr. Bullen, though intimidated, proceeded with the reading, but had enunciated only a few words, when Uncle 'Riah said and did, "Take aim." Penetrated with a thrilling fear, that any further attempt on his part to publish the proscription, might put an untimely period not only to the present proceedings but to his own preaching, the minister passed the offensive order to John Sessions, his eldest deacon. Scarcely had the deacon commenced to read, when Captain Wright, with threatening look, brought his piece to bear upon him. "All things are lawful but some things are not expedient," remarked Deacon Sessions to Parson Bullen, in the language of St. Paul, and returned the paper to his reverence. A consultation was then held among the spiritual officers of the church, which resulted in a decision favorable to a stay of proceedings. Thereupon the letter of excommunication was folded up, the benediction was pronounced, and Uncle 'Riah marched home in triumph.*

* This story is detailed in a different form and with numerous embellishments, by Dr. John Andrew Graham, in his "Descriptive Sketch of the present state of Vermont," published at London, in 1797. According to his account, which is in a measure apocryphal, Captain Wright was "a man more sinned against than sinning." The version given by the credulous doctor is as follows:—

"Before we take leave of Westminster, it may not be unworthy of remark, that the second Protestant church in the state was built at this place. I shall also add an anecdote of an honest farmer (one of the original settlers), which happened at Westminster, and which will serve to show the fanatical spirit which then prevailed—so contrary to that liberal toleration now prevalent over America, and which so happily unites every denomination of Christians in the bond of charity and love. But to my story.

"The farmer in question was a plain, pious man, regular in the discharge of his duty, both to God and his neighbor; but unluckily he happened to live near one with whom he was not inclined to cultivate either civil or friendly terms. This troublesome personage was no other than a monstrous over-grown he-bear, that

Tradition has preserved the shadowy outline of other events, in which the wayward old captain bore a part. Enough, however, has been said to set forth the character of the man. He was the representative of a class, whose services as pioneers in the settlement of a new country are always of the highest importance, and whose indomitable perseverance and courage, when rightly directed, are sure to lead to eminence in the more daring pursuits of life.*

descended from the mountains, tread down and destroyed the corn-fields, and carried off whatever he laid his paws upon. The plundered sufferer watched him in vain, the ferocious and cunning animal ever finding methods to elude his utmost vigilance. At last it had learned its cue so thoroughly, as only to commit its depredations on the Lord's day, when it knew, from experience, the coast was clear. Wearied out with these oft-repeated trespasses, the good man resolved on the next Sunday to stay in his fields, where with his gun he concealed himself. The bear came according to custom. He fired and shot it dead. The explosion threw the whole congregation (for it was about the hour of people's assembling to worship) into consternation. The cause was inquired into, and as soon as the pastor, deacon and elders became acquainted with it, they called a special meeting of the church, and cited their offending brother before them, to show cause, if any he had, why he should not be excommunicated out of Christ's church, for this daring and unexampled impiety. In vain did he urge from the Scriptures themselves that it was lawful to do good on the Sabbath day. He pleaded before judges determined to condemn him, and the righteous parson, elders and church, *una voce*, agreed to drive him out from amongst them as polluted and accursed. Accordingly he was enjoined (as is customary on such occasions) on the next Sunday to attend his excommunication, in the church. He did attend, but not entirely satisfied with the justice of the sentence, and too much of a soldier to be scandalized in so public a manner for any action which he conceived to be his duty, he resolved to have recourse to stratagem. He therefore went to the appointment with his gun loaded with a brace of balls, his sword and cartridge-box by his side, and his knapsack on his back with six days' provision in it. Service was about half over when he entered the sanctuary in this martial array. He *marched* leisurely into a corner and took his *position*. As soon as the benediction was ended, the holy parson began the excommunication, but scarcely had he pronounced the words, "Offending brother," when the honest old veteran *cocked and levelled* his weapon of destruction, at the same time crying out with a loud voice, "Proceed if you dare; proceed, and you are a dead man." At this unexpected *attack*, the astonished clergyman shrunk behind his desk, and his opponent with great deliberation *recovered his arms*. Some moments elapsed before the parson had courage to peep from behind his *ecclesiastical battery*. On finding the old hero had come to a *rest*, he tremblingly reached the order to his eldest deacon, desiring him to read it. The deacon, with stammering accents and eyes staring wild affright, began as he was commanded; but no sooner had he done so, than the devoted victim again levelled his piece, and more vehemently than before exclaimed, "Desist and march. I will not live with shame. Desist and march, I say, or you are all dead men." Little need had he to repeat his threats. The man of God leaped from the desk and escaped. The deacon, elders, and congregation followed in equal trepidation. The greatest confusion prevailed. The women with shrieks and cries sought their homes, and the victor was left undisturbed master of the field, and of the church, too, the doors of which he calmly locked, put the keys in his pocket, and sent them, with his respects, to the pastor. He then marched home with all the honors of war, lived fourteen years afterwards, and died a brother in full communion." pp. 111-115.

* MS. Court Papers. Vermont Republican, Friday, February 9th, 1855.

APPENDIXES.

APPENDIX A.

THE EQUIVALENT LANDS

Referred to on p. 14.

"Boston, 28th December, 1713. Grants made by the Government of the Massachusetts Bay, for which Equivalents are to be granted, being so much that falls to the Southward of the Colony Line lately run.

"To his Excellency Joseph Dudley Esqr	1,500 acres.	
To the Honble William Stoughton Esqr.	818	"
To Robert Thompson Esqr	2,000	"
To Col William Whiting	1,000	"
To Mr Thomas Freak now Mr Woolcote	2,000	"
To Mr John Collins	500	"
To Mr John Collins Heirs	500	"
To Mr John Gore	500	"
To Andrew Gardiner and Benjamin Gamling	500	"
To Black James and company with their Assigns		
Lt. Col William Dudley	2,298	"
The town of Woodstock	30,419	"
Sr Richard Saltonstall's Farm of 2000 acres, the		
one half	1,000	"
The other half included in Enfield Tract lying		
south of the line	36,180	"
Springfield	640	"

79,785

"The within fourteen articles of Land belonging to the Towns and Persons set down severally on the foregoing side, are Grants of the General Assembly of the Colony of the Massachusetts Bay and taken up and surveyed accordingly, and by the running of the South Line of the Massachusetts Province are now found to fall to the southward of the said Line, amounting to the number of 79,785 acres and the colony of Connecticut must have an equivalent granted them for the same.

"The number of acres 79,785 to be allowed to Connecticut are to be taken up on the East side of Connecticut River."

West of Connecticut river there was granted by Massachusetts of lands belonging

to Connecticut, to Springfield, 287 acres; to Suffield, 22,172 acres; to Westfield, 5,549 acres; making in all 28,008 acres, which added to 79,785 acres, gives 107,793 acres—the quantity of the land belonging to Connecticut which had been granted by Massachusetts.

"Dec. 29, 1713. [Connecticut] agreed to take for 79,785 acres, the same from Mass., i. e. 40,000 in one place, 30,000 in another, 9,785 where it can be found, taking one side of the Great River."

The commissioners appointed to locate the equivalent lands, were Joseph Dudley, Governor of Massachusetts; Gurdon Saltonstall, Governor of Connecticut; Elisha Hutchinson and Isaac Addington of Massachusetts; William Pitkin and William Whiting of Connecticut. On the 10th of November, 1715, these gentlemen reported that they had laid out "21,976 acres East of Hadly town (now Belchertown); 29,874 acres North of the first surveyed piece (Pelham, &c.); 43,943 acres, Within the Limits of the 2d Province on Connecticut River above the former settlements." The boundaries of the last portion are given in the text. It is uncertain where the other 11,992 acres, which make up the complement 107,793, were located.—Records in office Sec. State, Conn., entitled "Colonial Boundaries. Vol. III. Massachusetts 1670-1827."

The equivalent lands were sold at Hartford, on the 24th and 25th of April, 1716. The purchasers were:

"Gurdon Saltonstall	New London	Esqr	one share
Paul Dudley	Boston	"	"
Addington Davenport	"	"	"
Thomas Fitch	"	"	"
Anthony Stoddard	"	"	"
William Brattle	Cambridge	Clerk	"
Ebenezer Pemberton	Boston	"	"
William Dummer	"	Merchant	one half share
Jeremiah Dummer	"	Esqr	"
Jonathan Belcher	"	Merchant	one share
John White,	"	Gentleman	"
William Clark	"	Merchant	"
John Wainwright	"	"	one third share
Henry Newman	London	Esqr	"
John Caswell	"	Merchant	"
Mary Saltonstall	New London	Dame	one share
Nathan Gold	Fairfield	Esqr	one half share
Peter Burr	"	"	"
John Stoddard	Northampton	"	"
Elisha Williams	Weathersfield	Gentleman	"
John Read	Lone Town	"	one share."

—Records in office Sec. State Mass., ii. 278.

APPENDIX B.

RENEWAL OF THE TREATY.

Referred to on p. 24.

"Province of the Massachusetts Bay—Fort Dummer, 1737.

"Pursuant to an order from his Excellency the Governor to us the subscribers

directed, appointing us to confer with Ontaussoogoe and other delegates of the Cagnawaga tribe of Indians, we came to Fort Dummer aforesaid, where we arrived on the 5th of October Anno Domini 1737.

"We acquainted the said delegates that his Excellency the Governor having been informed that they were come to Fort Dummer to treat about some publick affairs, he had thereupon ordered and appointed us on behalf of the Government of the said Province to confer with them of such matters as were given them in charge, and that we should be ready to hear what they had to say when they were prepared to speak. The usual ceremonies being over, they withdrew.

"October 6. Being met in the morning, Ontaussoogoe said to us as follows vizt. 'Brother the Broadway, two years past I was at Deerfield; the matter then delivered to us by you was, that the old covenant of peace and unity between our brother the Broadway and us might be continued.

" 'We now return in answer for our three tribes, that our desire is that it might remain firm and unshaken, and do from our heart promise that the covenant shall not be broken on our part, but if ever there should be any breach, it shall begin on yours, and the God of Heaven who now sees us and knows what we are doing, be witness of our sincerity.' Then laid down a belt of Wampum.

"Ontaussoogoe then said again, 'We your brethren of the three tribes have learned by hear say, that our Brother the Broadway has lost his wife. Such losses ought to be made up. We did not know whether the Govr would be capable of a Treaty under his affliction, but find that he is, and are thankful for it.' Then gave a belt of Wampum to quiet the Govrs mind and remove his grief for the loss of his wife, and added, 'I rowl myself in the dust for the loss of our great men.'

"Ontaussoogoe said again, 'We do in the name of our three tribes salute the Govr and all the Gentlemen belonging to him Tho' at a great distance and strangers, yet something acquainted. This was their desire and our design when we came from home thus to salute you with this belt, wishing you happiness and prosperity;' laid it down, and said they had done speaking.

"We then said to them, we would take what they had delivered into consideration, and return answer thereto in the afternoon. We then drank King George's health to them. They also drank King George's health and the Governor's and to us.

"In the afternoon being met, We said to them, 'You have in strong terms assured us that the covenant of friendship renewed two years ago at Deerfield between this Government and the Cagnawaga tribe shall always remain firm and unshaken, and we do in the name and behalf of the Government, assure you that they will cultivate the friendship they have contracted with your tribe, and that nothing in our own hearts, nor the instigation of others, shall ever prevail upon us to break our solemn engagements to you, but we shall always hold ourselves under the strongest obligations to a punctual observance of what we have promised.' We then gave a Belt of Wampum.

" 'You have in your speech to us this day condoled the death of the Governour's Lady. Her death was the cause of much grief to him. We doubt not but your sympathizing with him, will tend to abate and lighten his sorrow. We take this occasion to express our concern for the death of your friends and to comfort your hearts under your afflictions.' We then gave three black Blankets instead of a Belt.

" 'We kindly accept the salutation of your people, and esteem it a token of their respect and friendship to us, and we do in the name of the Government return the like salutation to your old men and young, both to your counsellors and to your men of war, to all of them we wish prosperity and happiness for ever.' Then we gave a Belt of Wampum.

"Ontaussoogoe said, 'Gentn, I return thanks, you have rehearsed all that has been

said this day—are glad your hearts are disposed as we find they are to friendship and desire that they always may, and declare that ours ever will, and thank God for it—and wishes well to all.’

“We then dranked the Govrs health.

“The speeches being ended, we then in the name of the Govt Gave a present to them of the value of seventy pounds ten shillings.

“John Stoddard, Eleazr Porter, Thos Wallis,

Joseph Kellogg, Isr. Williams, Comra.”

—Records in office Sec. State Mass., xxix. 333–335.

APPENDIX C.

TOWNSHIP NUMBER ONE.

Referred to on p. 58.

The names of those persons who were admitted grantees, or proprietors of township No. 1, on the 19th of November, 1736, were:

Capt. Joseph Tisdale,
James Williams,
Capt. James Leonard,
Edmond Andrewa,
James Leonard 3d,
Joseph Willis,
Josiah Lincoln,
Joseph Barney,
Joseph Wilbore,
Ebenezer Dean,
Joseph Eddy,
Ezra Dean,
Ebenezer Cobb,

Deacon Samuel Sumner,
Ensign Seth Sumner,
Lieut. Morgan Cobb 2d,
Lieut. John Harney,
Ensign Edward Blake,
Eliakim Walker,
Jonathan Paddleford, Jr.,
John Smith 2d,
Jonathan Barney,
James Walker,
James Leonard 2d,
Ephraim Dean,
Israel Tisdale.

Capt. Joseph Tisdale on the rights of John Crossman, Benjamin Crossman, Samuel Darby, Joseph Jones, Jeremiah Wittnell, and Stephen Wilbore.

Deacon Samuel Sumner on the rights of Benjamin Willis and Stephen Macomber.

Thomas Clapp on the rights of Nicholas Stephens and Samuel Pratt.

Lieut. Eliphalet Leonard on the rights of William Hodges 2d, Henry Hodges, Francis Liscomb, Stephen Wood, and William Hoskins.

Jonathan Paddleford, Jr. on the rights of Thomas Lincoln 3d, and Samuel Williams 2d.

Joseph Tisdale, Jr. on the rights of John Tisdale, Robert Woodward, and Joseph Drake.

Joseph Eddy on the rights of Nathaniel Caswell and William Leonard.

Capt. James Leonard on the rights of David Cobb and Morgan Cobb.

Benjamin Ruggles on the right of Henry Richmond.

James Williams “ “ Abraham Tisdale.

Seth Staples “ “ John Andrewa.

Ensign Seth Sumner “ “ Isaac Merrick.

Lieut. John Harney “ “ Stephen Gary.

Ebenezer Dean “ “ Joseph Richmond.

Ebenezer Smith	on the right of	Thomas Gilbert.
James Walker, Jr.	" "	James Walker.
Lieut. Morgan Cobb 2d	" "	Simeon Cobb.
William Ware	" "	William Thayer.

In addition to the allotments made to these grantees, two rights were set apart for the first and second settled ministers, and one right was assigned for school purposes.

APPENDIX D.

PROPRIETORS OF WESTMINSTER.

Referred to on p. 61.

The names of the proprietors of Westminster, subsequent to the granting of the charter by Governor Benning Wentworth of New Hampshire, on the 9th of November, 1752, are contained in the annexed list, taken from the "Records of Westminster," under the date of July 26th, 1753.

"Proprietors. Josiah Willard for and in behalf of

Samuel Greely,
James Hills,
John Hunt,
Benjamin Farwell,
Robert Usher,
Samuel Cummings,
Josiah Brown,
Peter Powers,
John Chamberlain,
Jonathan Cummings,
John Usher,
Robert Fletcher,
Jonathan Cummings, Jur.,
Jonathan Willard,
Prentice Willard,
Solomon Willard,
Ebenezer Field,

John Pierce,
Nathaniel Mattoon,
William Wilson,
John Taylor,
Jonathan Hubbard,
Jeames Jewel,
Joseph Ashley,
Samuel Ashley,
Josiah Willard, Jur.,
William Willard,
Billy Willard,
Ephraim Dean,
Wilder Willard,
Jethro Wheeler,
John Averill,
Michael Gilson."

APPENDIX E.

THE FIGHT AT JOHN KILBURN'S FORT.

Referred to on p. 74.

No one who loves to commemorate and record the deeds of his ancestors, can withhold his tribute of approbation from those who were instrumental in consecrating a monument to the memory of their worthy progenitor, Col. Benjamin Bellows,

at Walpole, New Hampshire, on the 11th of October, 1854. From the valuable address made by the Rev. Henry W. Bellows, D.D., on this occasion, which has since been published with other information in a memorial monograph of 125 pages, the following minute account of the transactions referred to in the text is taken:—

"Colonel Bellows's fort was situated a little north of his dwelling-house (built in 1762 and still standing), just on the brow of the terrace overlooking his magnificent meadows. It was shaped like an L, about a hundred feet long in the arms, and twenty feet broad, built of logs and earth, and surrounded by an outer palisade. Although a private garrisoned house, it was yet of such importance as to be named among the fortresses maintained at the public expense, at Fort Dummer, Westmoreland, and Charlestown, being No. 3 in this chain of defences. The royal government supplied each of these forts with a heavy iron gun, for the public protection."

Apprehensive of danger, Colonel Bellows and John Kilburn took every precaution which their limited resources could command, to insure the defence of their own and the neighbouring settlements. The necessity of this course was soon after made fully apparent.

"Two men, by name Daniel Twichel and John Flynt, in the summer of 1755 (somewhere between the third Wednesday in March, 1755, when Daniel Twichel was appointed select-man, and the 17th of August, when the Kilburn fight took place, but probably in August), had gone back to the hills, about a mile and a half north-east, on what is now the Drewsville road, to procure some timber for oars. Here they were shot by the Indians. One of them was scalped, the other cut open, his heart taken out and laid in pieces upon his breast. This was the first Christian blood spilt in Walpole. The bodies were buried on the spot, which is accurately pointed out at this day. This event made a solemn impression on the settlers. They imagined that Twichel's spirit continued to hover over them, warning them of the wiles of the savages, and crying for vengeance on them. A remarkable rock in Connecticut river, where he used to fish with unfailing success, was for a long time held in religious veneration; and anglers are still tempted to Twichel's Rock, as to a place where their luck is under the propitious influence of his memory.

"Shortly before this, an Indian by the name of Philip had visited Kilburn's house in a friendly way, pretending to be in want of provisions. He was supplied with flints, flour, etc., and dismissed. Soon after it was ascertained that this same Indian had visited all the settlements on the river, doubtless to procure information of the state of their defences. Governor Shirley about this time sent information to all the forts in this region, that five hundred Indians were collecting in Canada, whose aim was the butchery and extinction of the whole white population on the river. Greatly alarmed, the sparse population, unwilling to abandon their crops, had strengthened their feeble garrisons, and bravely determined to stand by their rude but promising homes.

"Col. Benjamin Bellows had at this time about thirty men at his fort, about half a mile south of Kilburn's house, but too distant from it to afford him any aid. About noon on the 17th of August, 1755, Kilburn and his son John, in his eighteenth year, a man by the name of Peak and his son, were returning home to dinner from the field, when one of them discovered the red legs of the Indians among the alders, 'as thick as grasshoppers.' They instantly made for the house, fastened the door, and prepared for an obstinate defence. Kilburn's wife Ruth and his daughter Hetty were already in the house. In about fifteen minutes, the savages were seen crawling up the bank east of the house, and as they crossed a footpath, one by one, one hundred and ninety-seven were counted. About the same number, it afterwards proved, had remained in ambush, near the mouth of Cold river, but joined the attacking party soon.

"The savages appeared to have learned that Colonel Bellows and his men were at work at his mill about a mile east (on what is called the Blanchard brook, near where it is crossed by the Drewsville road, it being built at that distance from the fort on account of the convenience of a waterfall), and they intended to waylay and murder them before attacking Kilburn's house. Colonel Bellows and his men were now returning home, each with a bag of meal on his back, when the dogs began to growl and betray the neighborhood of an enemy. The Colonel, knowing the language of the dogs and the wiles of the Indians, instantly adopted his policy. He directed his men, throwing off the meal, to crawl carefully to the rise of the land, and on reaching the top of the bank, to spring together to their feet, give one whoop, and instantly drop into the sweet fern. This manœuvre had the desired effect to draw the Indians from their ambush. At the sound of the whoop, fancying themselves discovered, the whole body of the savages arose from the bushes in a semi-circle round the path Colonel Bellows was to have followed. His men improved instantly the excellent opportunity for a shot offered by the enemy, who were so disconcerted, that without firing a gun, they darted into the bushes and disappeared. The Colonel, sensible of his unequal force, hurried his men off by the shortest cut to the fort, and prepared for its defence.

"The cowardly savages had, however, no intention of coming again into the range of his guns. They determined to take their vengeance out of a weaker party, and soon after appeared on the eminence east of Kilburn's house. Here the same treacherous Philip, who had visited him and partaken his hospitality so short a time before, came forward under shelter of a tree and summoned the little garrison to surrender. 'Old John, Young John,' was his cry, 'I know ye. Come out here. We give you good quarter.' 'Quarter!' vociferated old Kilburn, in a voice of thunder. 'You black rascals, begone, or we'll *quarter* you.' It was a brave reply for four men to make to four hundred! Philip returned, and after a short consultation the war-whoop rang out, as if, to use the language of an ear-witness, 'all the devils in hell had been let loose.' Kilburn was lucky and prudent enough to get the first fire, before the smoke of the battle perplexed his aim, and was confident he saw Philip himself fall. The fire from the little garrison was returned by a shower of balls from the savages, who rushed forward to the attack. The roof was a perfect 'riddle-sieve.' Some of the Indians fell at once to butchering the cattle, others to a wanton destruction of the grain, while the larger part kept up an incessant fire at the house. Meanwhile, Kilburn and his men—aye, and his women—were all busily at work. Their powder they poured into their hats for greater convenience; the women loaded the guns, of which they had several spare ones—all of them being kept hot by incessant use. As their stock of lead grew short, they suspended blankets over their heads to catch the balls of the enemy, which penetrated one side of the roof, and fell short of the other. These were immediately run by these Spartan women into bullets, and before they had time to cool, were sent back to the enemy from whom they came. . . . Several attempts were made to force the door, but the unerring aim of the marksmen within sent such certain death to these assailants, that they soon desisted from their efforts. Most of the time the Indians kept behind logs and stumps, and avoided as they best could the fire of the little Gibraltar. The whole afternoon, even till sun-down, the battle continued, until, as the sun set, the savages, unable to conquer so small a fortress, discouraged and baffled, forsook the ground, and, as was supposed, returned to Canada, abandoning the expedition on which they had set out. It is not unreasonable to suppose that their fatal experience here, through the matchless defence of those Walpole heroes and heroines, was instrumental in saving hundreds of the dwellers on the frontiers from the horrors of an Indian massacre.

"Seldom did it fall to the lot of our forefathers to win a more brilliant crown than

John Kilburn earned in this glorious exploit. Peak got the only wound of his party, receiving a ball in the hip, from exposure at a port-hole, which unhappily, for lack of surgical care, caused his death on the fifth day. The Indians never again appeared in Walpole, although the war did not terminate until eight years afterwards. John Kilburn lived to see his fourth generation on the stage, and enjoying the benefits of a high civilization on the spot he had rescued from the savages. He possessed an honest heart, lived uprightly, and died in peace. A plain stone in Walpole burying ground thus commemorates his departure, and speaks his eulogy in a brief, expressive phrase:—

IN MEMORY

OF

JOHN KILBURN

Who departed this life for a better

APRIL 8, 1789,

In the 85th year of his age.

He was the first settler of this town in
1749.

"In 1814, his son, young John, last visited the scene of his youthful exploits. He died among his children, in Shrewsbury, Vermont, in 1822. One of his sons died in this town only a year or two since.

"What amount of destruction Kilburn made among the savages it was impossible to tell, as it is well known they carefully carry off and conceal their dead. It is said that Indian graves have been dug up at Cold river, and on the line of the railroad in that neighborhood, and six graves were found on the site of the Island House at the Falls, in 1833, which may possibly have been those of victims in this fight."—Historical Sketch of Col. Benjamin Bellows, pp. 24–29.

APPENDIX F.

PROPRIETORS OF WESTMINSTER.

Referred to on p. 93.

The names of the proprietors of the township of Westminster on the 11th of June, 1760, when the time for fulfilling the conditions of the charter was extended, were:

John Hulburt,
Josiah Willard,
William Willard,
Valentine Butler,
Joseph Alexander,
Nathan Willard,
Susannah Gilson,
Oliver Willard,

John Hunt,
John Taylor,
John Peirce,
Anthony Peirce,
Andrew Gardner, Jr.,
James Jewel,
Manassah Divel,
Simon Hunt,

John Arms,
 Wilder Willard,
 John Moor,
 John Moor, Jr.,
 Daniel Whitmore,
 William Willard, Jr.,
 Prentice Willard,
 Ephraim Dean,
 Elijah Cady,
 Asa Douglass,
 Samuel Ashley,
 John Alexander,
 Samuel Greely,
 Jethro Wheeler,
 Jonathan Thare,
 Joshua Wells,
 Submit Foster,
 Nathan Willard, Jr.,
 Joseph Hubbard,
 Joseph Ashley,
 Nathaniel Mattoon,

William Wilson,
 John Arms, Jur.,
 Solomon Willard,
 Ebenezer Fields,
 Samuel Allen,
 Billey Willard,
 Caleb How,
 Jonathan Hubbard,
 James Hills,
 Josiah Willard, Jur.,
 Benjamin Farwell,
 Samuel Cummings,
 Josiah Brown,
 Peter Powers,
 Robert Fletcher, Jr.,
 Timothy Latherbee,
 Minister,
 Henry Sherburn,
 Samuel Smith,
 John Downing,
 Samson Sheaff,

Jonathan Willard.

Besides these fifty-nine shares, there were also fourteen others located at the north end of the town, of which two were held by His Excellency Benning Wentworth, and one each by John Wentworth, Robert Usher, John Chamberlain, Jonathan Cummings, John Usher, Jonathan Cummings, Jr., David Stearns, Byfield Lloyd, Richard Wibird, and Theodore Atkinson. One share was appropriated for a Glebe for the Church of England, as by law established, and another for the benefit of the Incorporated Society for the Propagation of the Gospel in Foreign Parts.

APPENDIX G.

DIVISION OF CUMBERLAND COUNTY INTO DISTRICTS.

Referred to on p. 184.

"Cumberland County, 6th May, 1772.

"PUBLIC NOTICE is hereby given, that the third Tuesday in May Instant is appointed by Law for the Freeholders and Inhabitants of each respective Township in the said County, and of each respective District (an abstract whereof is hereunto subjoined) to Elect and Choose from among the Freeholders and Inhabitants of the same respectively, one Supervisor, two Assessors, two Collectors, two Overseers of the Poor, three Commissioners for laying out the Highways, and also so many Persons to be Surveyors and Overseers of the Highways, as the Major part of the Freeholders and Inhabitants of each Town and District shall judge necessary, two Fence viewers and four Constables. AND that the last Tuesday in May Instant is likewise appointed the Day for the Supervisors so Elected for each Township and District, to Assemble and meet together at the Court House, in the Township of Chester in the said County, then and there by Plurality of voices to agree upon,

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HISTORY OF EASTERN VERMONT.

determine, and Ascertain the Township or place within the said County, where a Court House and Gaol shall be Erected and Built.

"An abstract of such parts of the County of Cumberland as are formed into Districts.

"The 1st District comprehends Hartford, and extends North to the County line.

"2d District comprehends Pomfret and Bernard, and extends North and West to the North and West lines of the County.

"3d District comprehends such parts of Woodstock and Bridgewater as lye in the County, and extends West to the County line.

"4th District comprehends Reading and Saltash, and extends West to the West bounds of the County.

"5th District comprehends Wethersfield.

"6th District comprehends Cavendish and Ludlow, and the Lands to the West thereof not erected into Townships, until it extends to the West line of the County.

"7th District comprehends Andover, and the lands to the West bounds of the County.

"8th District comprehends Springfield.

"9th District comprehends Rockingham.

"10th District comprehends Tomlinson, and the Lands to the Southward not erected into a Township, as far South as Townsend line, and to the Northward of an East and West line from thence, to the West bounds of Westminster, and the Lands not Erected into Townships to the Westward, as far as the West bounds of the County.

"11th District comprehends Townsend and the Lands partly to the Eastward thereof not erected into a Township, and the Lands to the Westward thereof not erected into Townships to the West bounds of the County.

"12th District comprehends New Fane, and the Lands not erected into a Township to the West thereof, so far as the West bounds of the County.

"13th District comprehends Fulham.

"14th District comprehends Marlborough.

"15th District comprehends so much of Wilmington or Draper as lieth within the County, and extends West to the County line.

"16th District comprehends Halifax.

"17th District comprehends Guilford.

"18th District comprehends Hinsdale.

"A full description of the above Districts is lodged with the Subscriber, to which Recourse may be had if necessary.

"Crean Brush, CL"

APPENDIX H.

APPENDIX H.

CENSUS OF JANUARY 16TH, 1771.

Referred to on p. 188.

CUMBERLAND COUNTY.

Town.	White Males under 16.	White Males above 16 and under 60.	White Males 60 and upwards.	White Females under 16.	White Females above 16.	Black Males.	Black Females.	Total.	Heads of Families.
Andover									
Bromley									
Kent	4	9	1	8	6			28	5
Brattleborough	103	103	8	110	79		1	403	75
Chester	38	35	4	45	30			152	30
Cumberland	8	4		3	4			14	■
Fulham	54	54	8	37	40	1		189	44
Gulford	124	93	5	111	■	8	2	436	75
Halifax	100	83	4	74	68			329	55
Hartford	46	48		56	46			190	13
Hertford	48	31	1	35	23		1	144	25
Hinsdale	28	28	5	16	30			107	19
Marlborough	■	24	1	8	12	1		50	22
Newfane	12	14	1	14	11			52	8
Norwich	53	68		89	48			206	40
Pomfret	13	14		■	6	■	1	39	6
Putney	94	74	4	60	69			301	51
Rockingham	48	62	4	52	57	1	1	225	50
Sharon	17	19	1	14	17			68	12
Springfield	43	80	1	36	31			141	27
Townshend	33	40	1	35	26		1	136	25
Wentworthfield	2	8		6	■			20	4
Westminster	136	107	8	110	117			478	77
Wilmington	16	19	5	17	14			71	14
Windsor	50	57	8	46	46		1	203	35
Woodstock	9	■		10	10			42	10
Total	1080	1083	60	949	987	7	8	4024	744

GLOUCESTER COUNTY.

	White Males under 16.	White Males above 16 and under 60.	White Males 60 and upwards.	White Females under 16.	White Females above 16.	Black Males.	Black Females.	Total.
Total	178	165	8	193	151	6	1	729

— Williams's Hist. Vt., II. 478. Doc. Hist. N. Y., iv. 1084. Brattleborough Semi-Weekly Eagle, Thursday Evening, May 2d, 1880, vol. III. No. 76.

APPENDIX I

THE "WESTMINSTER MASSACRE."

Referred to on p. 241.

The more accessible sources from which the account of the "Westminster Massacre" has been drawn, are named in the annexed list.

March 21st, 1775. MSS. Council Minutes in office Sec. State N. Y., 1765-1783, xxvi. 425, 426. Doc. Hist. N. Y., iv. 903, 904.

" 22d, 1775. Depositions of Oliver Church and Joseph Hancock, in Doc. Hist. N. Y., iv. 904-910. Brattleborough (Vt.) Semi-Weekly Eagle, Thursday Evening, September 20th, 1849, vol. iii., No. 13.

" 23d, 1775. "A relation of the proceedings of the people of the County of Cumberland and Province of New York," by Reuben Jones, in Slade's Vt. State Papers, 55-59. American Archives, Fourth Series, 1775, vol. ii., cols. 218-222. Journals of the General Assembly of the Province of New York.

" 28th, 1775. Deposition of John Griffin, in Doc. Hist. N. Y., iv. 910-914. Brattleborough (Vt.) Semi-Weekly Eagle, Monday Evening, September, 17th, 1849, vol. iii., No. 12.

" 30th, 1775. Journals of the General Assembly of the Province of New York. American Archives, Fourth Series, 1775, vol. i., cols. 1321-1324.

April 3d, 1775. See authorities cited under March 30th, 1775.

" 5th, 1775. Dispatches of Lieutenant Governor Colden to Lord Dartmouth, in MSS. London Documents in office Sec. State N. Y., xlv. Doc. Hist. N. Y., iv. 914-916.

May 5th, 1775. MSS. Council Minutes in office Sec. State N. Y., 1765-1783. xxvi. 435. Doc. Hist. N. Y., iv. 917, 918. Brattleborough (Vt.) Semi-Weekly Eagle, Monday Evening, September 24th, 1849. vol. iii., No. 14.

The "State of the Facts" made by the judges of the court, and epitomized on p. 223, is in these words:—

"New York County of Cumberland court of common Pleas, And court of General Sessions of the Peace holden at the court House in Westminster this Fourteenth Day of March A. D. 1775. Whereas a very melancholly and unhappy affair Happened at this Place in the evening of yesterday The thirteenth Instant and Whereas it may be that the Same may Be represented very Different From what The same really was We his majesty's Judges and Justices of the said Courts being chiefly there Present have Thought it our Duty thus to relate a true state of the Facts Exactly as they happened.

"Many threats having for several Terms past been Thrown out by evil minded persons that they would With Violence break up and Destroy the courts of our Sovereign Lord the king in this county and threats of A more Daring and absolute nature than formerly having been thrown out by certain Evil Minded persons Against the setting of this present Court the Sheriff tho't it Essentially necessary to raise a Posse For the Courts Protection and having Raised about sixty Men armed some With Guns and some with staves he arrived At there head before the Court House about five o'clock In the afternoon of yesterday When to the Great Surprise of the said Sheriff and Posse they found the court house Taken into Possession and the several Doors thereof Guarded By a large number of Rioters (supposed to be about an Hundred in the whole) armed With clubs and some Few fire arms. The Sheriff

then endeavored to Go in at the Door of the court-house, but was prevented by Threats And menaces; whereupon he read the King's Proclamation, with a very loud voice commanding In his Majesty's name all persons unlawfully assembled Immediately to Depart, and thereupon Demanded Entrance again But was again refused and Prevented by threats and menaces as Before. The Sheriff then told the Rioters that he would Leave them a short time to consider of their behaviour And to Disperse, and if they would not afterwards allow Him Entrance into the said court-house That he would Absolutely Enter it by force. But the Rioters made scoff at this Measure replying the hardest must fend off. The Rioters a little time afterwards wanted to choose committees to Parley but was answered that they could not Parley to consider whether the King's Court Should proceed or not. Judge Chandler informed them that if they had any real grievances to complain of if they would Present a Petition to the court when sitting it should be heard the Sheriff then gave the Posse Liberty To refresh themselves and about two Houers afterward He Brought the said Posse Before the courthouse again and then again Demanded Entrance in his majesty's Name but was again refused in like manner as Before. Whereupon he told them that he would Absolutely enter it Either Quietly or by force and commanded the Posse to follow close to him which they Accordingly Did and getting near The Door he was struck several Blows with clubs, which he had the Goodness in General to fend off so far at least as not to Receive Any very Great Damage but several of their clubs striking Him as he was goeing up the steps, and The Rioters Persisting in maintaining Their Ground, he ordered some of the Posse to fire, which they accordingly did. The Rioters then fought Violently with their clubs and fired some few fire arms at the Posse by which Mr. Justice Butterfield received a slight shot in the arm and another of the Posse received a slight shot in the head with Pistol Bullets: but happily none of the Posse were mortally wounded. Two persons of the Rioters were Dangerously wounded (one of whom is since dead) and several others of the Rioters were also wounded but not Dangerously so. Eight of the Rioters were taken prisoners (including The one which is since Dead) & the wounded were taken care of by Doct. Day, Doct. Hill and Doct. Chase. The latter of which was immediately sent for on Purpose. The rest of the Rioters Dispersed giving out Threats that they would collect all the force Possible and would return as on this Day to revenge themselves on the Sheriff and on several others of the Posse.

"This Being a true state of the facts without the least Exaggeration on the one side or Diminution on the other We humbly submit to Every Reasonable Inhabitant whether his majesty's courts of Justice the Grand and only security For the life liberty and property of the publick should Be trampled on and Destroyed whereby said persons and properties of individuals must at all times be exposed to the Rage of a Riotous and Tumultuous assembly or whether it Does not Behove Every of his Majesty's Liege subjects In the said county to assemble themselves forthwith for the Protection of the Laws and maintenance of Justice.

"Dated in open Court the Day and Year Aforesaid.

" Thomas Chandler,
Noah Sabin,
Step'h Greenleaf,
Benj'a Butterfield,
Bildad Andross,
S. Gale, Clk."

The following account of the affray was published at Salem, Massachusetts, in the Essex Gazette, under the date of March 14th-21st, 1775:—

"We hear a body of people armed with clubs and some few fire arms, to the number

of about one hundred, assembled at Westminster in the County of Cumberland in the province of New York, on the evening of the 13th day of this instant, being the evening before the day of the sitting of the Court of Common Pleas for said County, for the purpose of preventing the Courts sitting there, and took possession of the Court House. The Sheriff of the County being previously advertised of their design, raised the Posse Comitatus to oppose them, and came up to the Court House a short time after the rioters had seized it and attempted to enter the same, but was opposed by them. He informed the rioters that the Court House was the property of his Majesty, and that he was the keeper of it, and demanded entrance into it, and ordered them to disperse, which they peremptorily refused to do. Several attempts were made by the Sheriff and the Posse to enter the house without force, which were resisted by the mob. The Sheriff then informed the rioters that he was determined at all events, to have possession of the house; if he could not get it without, he would get it by force. He then read the riot act to them, and ordered them to disperse within one hour, and told them, that if they did not disperse within that time, and cease their opposition to his entrance into the Court House, he would most certainly order the Posse to fire on them; to which they replied, 'Fire and be damned! If you do, the hardest fend off.' The Sheriff told the rioters he would not have them flatter themselves that he would not fire on them, for he was absolutely determined to do it if they continued obstinate. He then with his Posse, left the house for the space of about three hours, during which time all possible arguments were used to dissuade the rioters from their purpose, which they treated with neglect. They then sent to those of the Judges of the Court then in the town, to know if they would treat with a committee from their body, whether the Court should do business. The Judges returned this answer: That they could not treat with them whether his Majesty's business should be done or not, but that if they thought themselves aggrieved and would apply to them in a proper way, they would give them redress if it was in their power. But this was by no means satisfactory to them. At the expiration of the three hours, the Sheriff and Posse returned to the Court House and again attempted to enter it, but were beat back by the rioters with their clubs. He told them he would most certainly fire on them, if they did not desist. They answered, 'Fire and be damned! Fire and be damned!' The Sheriff then ordered his men to fire upon them, which they did and wounded one mortally (who is since dead) and several others very badly, one of whom is thought to be dangerous. The Sheriff, after a few shots, ordered the fire to cease, and his men to enter the house with clubs, which they did, when a stout resistance was made by the rioters for some time; but they were finally dispossessed and nine or ten of them taken prisoners. The rioters fired once or twice on the Sheriff's party, but did no damage. The next day the rioters were reinforced by a large number, armed with muskets, and being much superior to the Sheriff's party, took him and about twelve others and confined them in close gaol."

Another newspaper account was given by John Holt, in his *New York Journal or General Advertiser*, under date of Thursday, March 23d, 1775. It may be found in the *American Archives*, Fourth Series, 1775, vol. ii. cols. 214, 215. The following is a copy:

"On Monday afternoon, expresses arrived in Town from the County of Cumberland, in this province, who bring accounts from thence of a very extraordinary and alarming nature. On the Monday afternoon preceding, March 13th, the day for holding the Inferiour Courts, several rioters and disorderly persons, to the number of between 80 and 90, assembled at the Court House, of which they took possession, with an avowed intent of preventing the Court from being held the next day; many of them had arms, and those who were unprovided for, were collecting both arms and ammunition with all possible dispatch. Many of the Magistrates having come

to Town, it was thought advisable that the Sheriff should make the usual proclamation against riotous assemblies, and demand possession of the Court House and Jail; which being refused several times, about 9 o'clock at night a party assembled in order to disperse the rioters. These proceeded with the Sheriff and some magistrates to the Court House where proclamation was again made by the Sheriff for the rioters to disperse, and sundry attempts were made to get in, without using fire arms, but this proving ineffectual, three guns were fired over the door in hopes the rioters would be intimidated and retire; but so determined were they in their undertaking, that the fire was immediately returned from the Court House, by which one of the Magistrates was slightly wounded, and another person shot through his clothes. The Magistrates seeing the imminent danger they were in, so well exerted themselves that they forced the front door, and after a very smart engagement, wherein one of the rioters was killed, and many persons on both sides wounded, the Court House was cleared, and proper measures taken to preserve the peace for that night. The next morning all was tumult and disorder. The Judges, however, opened the Court at the usual hour, and adjourned till 3 o'clock in the afternoon; but by this time, the body of rioters beginning to assemble in large parties from New Hampshire, and places adjacent, and particularly from Bennington, in the neighboring County of Albany, with a hostile appearance, and the Court foreseeing no probability of being able to proceed to business, adjourned till next June term. The body of rioters, which soon amounted to upwards of 500, surrounded the Court House, took the Judges, the Justices, the Sheriff, the Clerk, and as many more of their friends as they could find, into close custody, and sent parties out, who were daily returning with more prisoners. The roads and passages were guarded with armed men, who indiscriminately laid hold of all passengers against whom any of the party intimated the least suspicion; and the mob, stimulated by their leaders to the utmost fury and revenge, breathed nothing but blood and slaughter against the unfortunate persons in their power. The only thing which suspended their fate was a difference of opinion as to the manner of destroying them. And from the violence and inhumanity of the disposition apparent in the rioters, it is greatly to be feared that some of the worthy men in confinement will fall a sacrifice to the brutal fury of a band of ruffians, before timely aid can be brought to their assistance."

The annexed extracts from the Journal of the New York Provincial Congress show that strenuous measures would have been adopted by the British, to quell the insurrectionary spirit in Cumberland county, evinced by the events of the 13th of March, had not more important scenes demanded the attention of the Crown.

"Tuesday, 9 o'clock, A.M.

"September 12th, 1775.

"Ordered, That Samuel Wells, Esq., of Cumberland county, be requested to attend before this Committee of Safety* at five o'clock this afternoon.

"Tuesday, 4 ho. P. M. Sept. 12th, 1775.

"Samuel Wells, Esq., according to order, attending at the door was called and examined. Says, 'That no arms were sent to Cumberland county by government—did hear that Gov. Colden applied to Gen. Gage for arms, and heard the arms came—but the affair at Lexington put an end to it—of the £1,000 granted for Cumberland county, £200 of the money has been received—it was employed to reimburse the sheriff and Mr. Gale, the expense of themselves and the other prisoners and expresses—heard the arms were put on board the King's Fisher—has forgot how he heard it, and does not know how they were disposed of.'"—i. 144, 145. See also, American Archives, Fourth Series, 1775, vol. iii. col. 890.

* A Committee of Safety usually sat during the recess of the Provincial Congress, with temporary powers equal to those of the latter body.

In the "Records of Dummerston," reference is frequently made to the affray. The feelings to which it gave birth may be judged of by the language employed in these records. In one instance the Court-house is styled, "that blood Stained Star-chamber in Westminster." In an account of a meeting of the inhabitants of that town, held on the 22d of August, 1775, occurs an entry which shows that the people of the county were engaged in preparing an elaborate account of the disturbances which had happened in the month of March previous. The entry is in these words:—"Votid that it tis the SenCe of this toun that the Letters that are in the hand of Dr Soloman Har-vy are Not any EvidanCe in the Case which the Commite is Colecting for the Evidance whiCh tha are to ColeCt is the Bad ConduCt of the Cort from its fust Setting up the Cort Down to the fust of MarCh Last and that those Letters only Shue that the Peple ware Displeaised at the Earbitary ConduCt of offiseirs of the Cort and ware Raday to Rise and Stop the Cort be fore that time: and those Lettors Show Like wise the unity of the People and purfix the time: and we think it Best not to have those Letors goe to Westminster." On the 12th of March, 1776, a meeting was held at Brattleborough for the purpose of securing the punishment of those of the Court party and Sheriff's posse, who had been engaged in the "Westminster Massacre." This appears by the following passage from the old records before mentioned. At a town meeting held on the 26th of February, 1776, "Votid to Send a man to Jine the County Comittee on the twelfth of marCh at the hows of Mr. John Sergants at Brattleborough at Nine of the o Clock in the fore Noon to Draw up a Remonstrance to Send to the Contanalshall Congras at Phile Dalpha Consarning those that perpatratid the Blody Massecre on the thurteeinth of march Last."

In a pamphlet written by Ira Allen, entitled, "Miscellaneous Remarks on the Proceedings of the State of New York against the State of Vermont, &c.," and published in the year 1777, the author referring to the colonial government of New York, observes:—"In open violation to the laws of the crown, the legislative and executive powers, assumed to themselves authority to hold courts: their conduct was so notorious that it was the cause of that odious and never to be forgotten massacre at the Court House in said Cumberland County, on the evening of the thirteenth of March 1775, in which several persons were actually murdered. O! horrid scene!"

Another pamphlet, entitled, "Vermont's Appeal to the Candid and Impartial World," the production of Stephen Row Bradley of Westminster, which was published early in the year 1780, contains an allusion to the events under consideration, in these words:—"But above all, have they [the people of Vermont] suffered, from the cruelty of Great Britain and her emissaries.—For the truth of these things we can appeal to many undeniable facts. So late as March, 1775, previous to the battle of Lexington, the judges of New York, were led in fetters of iron, within the gates of their own city, for shedding innocent blood at Westminster, in murderously attempting to enforce the laws of that province upon the people of Vermont."

Six years after the affray, on the election of certain men to civil offices in Windham county, who previous to the Revolution had been obnoxious to the mass of the people, some of the inhabitants of Rockingham requested the Governor and Council of the state to keep back their commissions, inasmuch as they were "known Enemies to this and the United States." In proof of this charge they declared that these men had been "active and accessory to the shedding the first Blood that was shed in America to support Brittanic Government, at the Horrid and Never to be forGot Massacre Committed at Westminster Cortt House on the Night of the 13th of March, 1775. O horred Cean [scene]."

In the year 1781, Vermont increased her territory, by admitting within her jurisdictional limits thirty-five towns which had seceded from the government of New Hampshire. This movement aroused the apprehensions of the people of the latter

state, and strenuous attempts were made to recover the seceding towns. Among the memorials prepared by the citizens of New Hampshire on this subject, was one, entitled, "An address to the people of New Hampshire, and of the other United States." In this paper the events connected with the "Westminster Massacre" were referred to as follows:—

"The Inhabitants of a certain Tract of Land west of Connecticut River, commonly known by the name of the New Hampshire Grants, being by the order of the King of Britain in Council, annexed to the Province of New York, and put under that government, did so continue, not without some uneasiness, chiefly in the Western part of said Territory, until the March 1775, preceding the ever memorable commencement of Hostilities between us and Britain at Lexington; where some Persons disaffected to the New York Government, attempting to break up the court at Westminster, one of their number being slain and another mortally wounded by the Sheriff and his Posse, in his endeavors to Suppress the insurgents, that unhappy event so occasioned the addition of Spirit and numbers to the opposers of that Government as enabled them to effect their design. The People concerned in that transaction, Supposed themselves to be engaged in the Common cause of the Colonies, and generally expected the Court party to be opposed to the same, and as many of them afterwards either from principle or by reason of what they esteemed persecution, proved to be Tories, this served to give a more plausible colouring to the truth of the above supposition. In addition to the Name of Tories which the generality of the Court supporters had obtained, the Title of Yorkers was joined, and to serve a turn were made synonymous. The other part of the People under the direction of some warm Leaders always inimical to New York, taking advantage of the times when this and York state who each had claims of Jurisdiction over them, were busily engaged against the common Enemy, did erect themselves into an Independent State by the name of Vermont. The Yorkers were pretty generally deniers of the pretended authority of said Vermont State and acted as they were able under the Government of New York.

"The principal and most zealous promoters of this Union [the union of the New Hampshire towns with Vermont], are the Yorkers on the other side, with the Tories on this side of the river, together with many of those who formerly persecuted the former mentioned persons as Murderers and enemies to their Country. Men put and now lying under bonds, others subjected to imprisonment and confinement with their judges and witnesses against them, are now preferred to the first offices of Government. The former not retracting or professing a change of Sentiments as to the justice of our common cause, but rather avowing their opinion to be right that our cause is not good, and consider in the conduct of people towards them in their present preferment as a compensation for their former ill treatment for acting the part of honest men in refusing to follow the multitude in what they thought and still think not right.

"On the other side of the River the authority departing from their Constitution (not the first time) to the infringement of the Freedom of Election did in print nominate to the choice of the Counties for civil officers, if not Military also, men by them before esteemed (being Yorkers) enemies to their Country, nay Murderers for being concerned in the Westminster affray."

In his "Descriptive Sketch" of Vermont, published in 1797, Dr. John Andrew Graham has, with his usual inaccuracy and superficialness, recounted the events of the affray in these words:—

"Westminster is a delightful place, and contains several superb houses. Here were formerly held the Courts of Judicature, under the State of New York, but the settlers, in March, 1775, were so highly exasperated at the oppressive conduct and insolence of the Governor of that State, and his junto of land-jobbers, that they

assembled in arms, stopped the Court from sitting, drove them from their territory, and would never after suffer the Government of New York to have the slightest jurisdiction over them."—p. 107.

Ira Allen, in a pretentious volume, entitled, "The Natural and Political History of the State of Vermont," &c., published in 1798, has disposed of the "Westminster Massacre" in a summary manner.

"In March, 1775, an attempt was made to hold a court of justice at Westminster, in the county of Cumberland, which was prevented by the people, who had early taken possession of the Court-house, and the Judges were refused entrance at the usual hour when the Courts were opened; therefore they and the officers of the Court retired, until about eleven o'clock at night, when they returned, and were again refused admittance; whereupon they fired into the house, and killed one man and wounded several. This inflamed the minds of the people to a high degree, who next day flocked from every part of the county; a coroner's inquest sat on the body, and brought in a verdict that the man was *wilfully murdered by the Court party* some of whom they seized, and sent to Northampton gaol in Massachusetts, but who, were released on application to the Chief Justice of New York."—pp. 55, 56.

The epitome of the transactions connected with the 13th of March, 1775, as given by the Rev. Hosea Beckley, in a little work called, "The History of Vermont," resembles the citations from Graham and Allen. Of the person who was killed on this occasion, Mr. Beckley observes:—"His name was William French, of Brattleborough; where and in Dummerston branches of his family have since resided in respectable standing; and from which several enterprising individuals have gone forth into the Union; and one, a missionary under the American Board, to Asia."—pp. 70, 99.

In an anonymous ballad published in the year 1779, the original of which is now in the possession of Frank Moore, Esq., the genial editor of the "Songs and Ballads of the American Revolution," reference is made to the death of William French. The stanza in which the allusion occurs and the note of illustration accompanying it, are in these words:—

"But Vengeance let us Wreak, my Boys,
For Matron, Maid, and Spinster:
Whose joys are fled, whose Homes are sad,
For the Youth* of Red Westminster."

Although the courts in Cumberland county were badly managed in many instances, previous to the time when they were stopped, yet the administration of justice in this portion of the province of New York was not wholly neglected by the provincial judges. There is still extant an affidavit of Richard Morris, clerk of the court of Oyer and Terminer and General Gaol Delivery in the province of New York, dated the 26th of August, 1774, in which that gentleman testified before Lieut.-Gov. Cadwallader Colden, that the Hon. Robert R. Livingston, one of the judges of the Supreme Court of judicature for the province of New York, attended the session of the court of Oyer and Terminer and General Gaol Delivery, held at Westminster in July, 1774.

In the east parish of Westminster, "the Liberty men" were few and far between. In the west parish, the majority of the inhabitants were "pure Whigs." The men who served under Capt. Azariah Wright on the 13th of March, were mostly from the latter parish. Captain Wright's company was organized between the years 1768 and 1770. It is not known whence he obtained his captaincy, but it is evident that

* "A young man who was killed by the Tories, near the Great Falls of the river Connecticut, in the spring of the year 1775."

his force at the time of the outbreak, was of the people and supported the people's cause. For several years he had been accustomed to call his company together for drill, at his own house, and if the policy of the Whigs had not interdicted the use of fire arms, his men would have evinced their skill as marksmen in such a manner as would have caused no discredit to their leader. As far as can now be ascertained, the organization of the company was as follows:—Captain, Azariah Wright; Lieutenant, Jabez Perry; First Sergeant, Simeon Burke. Second Sergeant, Jesse Burke.

PRIVATES.

Jacob Albee,
John Albee,
Lemuel Ames,
Asa Averill,
John Averill,
Thomas Averill,
Jabez Bates,
Silas Burke,
Atherton Chaffee,
Andrew Crook,
Robert Crook,
William Crook,
David Daley,
Jonathan Fuller,
Seth Goold,
William Goold,

Francis Holden,
John Holt,
Ichabod Ide,
Israel Ide,
Joseph Ide,
Robert Miller,
John Petty,
Atwater Phippen,
Joseph Phippen,
Samuel Phippen,
Robert Rand,
James Richardson,
Nathaniel Robertson,
Reuben Robertson,
Edmund Shipman,
Jehiel Webb,

John Wells.

The officers of the Rockingham company were, as far as remembered, Captain, Stephen Sargeant; Lieutenant, Philip Safford; Surgeon, Reuben Jones. Nothing is known of the organization of the companies from Guilford or Walpole. It had long been the custom of Judge Thomas Chandler, to procure commissions of one kind and another from New York, and bestow them on such as he favored. In this way several military officers had been appointed in different parts of the county. Those persons in Westminster who had obtained the titles which they bore in this manner, were Major John Norton, Captain Benjamin Burt, Lieutenant Medad Wright, and Ensign William Willard, but it is believed that no company was ever organized under these officers.

The manner in which the Court party treated the "rioters" on the night of the affray, was to the former an especial topic of congratulation among themselves. One of them, William Willard, a justice of the peace, even while a prisoner in the Court-house, "made a brag that he struck French" and knocked him down. After his enlargement, he went to New York, and on his return, appeared in a new suit of clothes, which, it was said, had been given him by the Lieutenant Governor, in acknowledgment of his valiant conduct. He died at Brattleborough. In his last days he was insane, and his final sickness, being hemorrhagic in its character, was regarded by the old people as a judgment upon him from God, for the part he had taken in shedding the blood of French.

A door of the old Court-house, which was perforated by a bullet on the memorable night of the rencontre, was for many years preserved by a citizen of Westminster and did him good service as a door in his own dwelling.

Concerning Dr. Reuben Jones who acted so prominent a part among the Whigs,

but little is known. That he was a man of intelligence, is proved by his "Relation of the proceedings of the people of the County of Cumberland, and Province of New York," which has been already referred to. At the meeting held at Westminster on the 11th of April, 1775, for the purpose of devising means to resist the progress of oppression, Dr. Jones served as clerk. On account of his facility in composition and his general accuracy, he was often chosen to similar positions on more important occasions. He was the delegate from Rockingham in the convention held at Dorset on the 25th of September, 1776, and represented the former town in the General Assembly of Vermont during the sessions of 1778, 1779, and 1780. He then removed to Chester, and in 1781 was the representative from that town in the General Assembly. Like many of the early settlers of Vermont, he became involved in debt. Having been seized in New Hampshire, at the instance of an inhabitant of that state, he was confined in the jail of Cheshire county, during a part of the summer of 1785. On the 16th of August, in that year, he effected his escape from prison. On the 22d, a warrant was issued by Simeon Olcott, a justice of the peace for Cheshire county, directing his arrest if found within the bailiwick of the sheriff of that county. To evade the officers of the law, Dr. Jones repaired to Vermont. Simon Stevens, a justice of the peace for Windsor county, issued an order for his arrest on the 27th, and on the 29th the unfortunate physician was taken at Chester by John Griswold of Springfield. But even now his friends did not desert him. As Griswold was taking him off, John Caryl and Amos Fisher, citizens of Chester, made an attack upon the officer, and delivered Dr. Jones from his hands. At the session of the Supreme court held at Windsor, "on the second Tuesday, next following the fourth Tuesday of August," 1785, the grand jurors found a true bill against the Doctor and his two friends for resisting an officer, but the result of the trial which followed does not appear.

It may not be generally known that an attempt has already been made, by many of the most distinguished and patriotic citizens of Vermont, to obtain from the Legislature of that state an appropriation for the purpose of erecting a monument to the memory of William French. At the session in 1852, the following petition was read in the house:—

"To the General Assembly of the State of Vermont:

"The undersigned citizens of this State, believing that it is not only a duty, but inseparable from the love of country and the support of free institutions, to cherish the memory of those who, on momentous occasions, have offered up their lives for the public good, beg leave to call the attention of the Legislature to the perishing state of the memorial erected at Westminster, in 1775, over the body of William French, the proto-martyr of Vermont independence, if not that of America. We think that there is a turning point in every revolution, giving it a fixed and decisive character, namely, the first resistance unto blood; and it is almost needless to say with what spirit and patriotism, this was done by the young man just mentioned, or what an immense impulse was given by his devoted sacrifice to the followers of Chittenden, Allen, and Warner, resulting at last in the freedom and independence of the State of Vermont. The monument of crumbling slate, with its rude but emphatic inscription, erected by what we may now call the pious hands of the men of those days, is now fast perishing away, and, unless some steps are taken to save it, will soon wholly disappear. Feeling that this ought not to be, and that the duty of preventing it will be performed in a more honorable and imposing manner, and be much more indicative of the spirit of our whole people, if done by the State, we venture to pray that such means may be taken by the Legislature as are most meet and proper for that purpose."

To this petition were appended the names of Charles K. Williams, William C.

Bradley, Carlos Coolidge, Daniel Kellogg, Jacob Collamer, Charles K. Field, and fifty-seven other persons, together with the names of eighteen of the relatives of William French. The subject was referred to a select committee, composed of George W. Grandey, George Lyman, Jarvis F. Burrows, Hiram Ford, and Thomas Browning. A very able report, favorable to the request of the petitioners, and containing much historical information of value, was prepared by these gentlemen, and presented to the House on the 9th of November. At the same time they reported the following bill, and respectfully recommended its passage:—

“An Act making an appropriation for a Monument to William French.

“It is hereby enacted by the General Assembly of the State of Vermont, as follows:

“Section 1. A sum not exceeding twenty-five hundred dollars is hereby appropriated, to be expended under the direction of the Governor, in the erection of a granite Monument over the grave of William French, at Westminster; and the Auditor of Accounts is directed to audit the accounts of the Governor for the expenditure herein provided, and draw orders on the Treasurer of the State for the same.

“Section 2. This act shall take effect from its passage.”

The petition, report, and bill were laid on the table, and the clerk was “ordered to procure the printing of five hundred copies for the use of the house.” On its introduction subsequently, the bill was advocated by the Hon. William C. Bradley, of Westminster, in a speech replete with patriotic sentiments, forcible arguments and historic facts of the most interesting character. To the great regret of a very large minority the bill was defeated by a few votes, on its third reading.

APPENDIX J.

OPINIONS RESPECTING A SEPARATION FROM NEW YORK.

Referred to on p. 825.

THE annexed report, prepared by the committees of Cumberland county, and which forms the basis of the abstract given in the text, is taken from the MS. George Clinton Papers, in N. Y. State Lib., vol. v. doc. 1645.

“Copies of Returns made by Committees of Sundry Towns in the County of Cumberland of the Number of Inhabitants in their Towns, and an account of their Principles, so far as respects a separation from New York.

“Those in Hinsdale that are for the State of New York, 11th August 1778,

are in number	39
“For the State of Vermont	1
“Neuters	2
“Total	42

“The Town of Guilford did not make a Return, but they reckon 53 Voters for New York, not so many for Vermont, and a number of Neuters.

“In Halifax, For New York, August 11, 1778	63
“For Vermont	86
“Neuters	20
“Total	119

"The Number of Voters in Brattleborough who dissent from the pretended State of Vermont, August 11, 1778	165
"Number who are for Vermont	1
"Total	166

"The Town of Marlborough sent a Representative to y^e first Session of Assembly for Vermont, but have lately as a Town, Voted not to intermeddle further in the Dispute until Congress shall declare their sense upon the matter.

"In Wilmington (or Draper) for New York, August 7, 1778	12
"For Vermont	15
"Neuters	8
"Total	35

"From Fulham, no Return is yet made, but upon a Division of the Town, y^e major part were against Vermont, y^e chief of which are also against New York.

"From New Fane, no Return made, but y^e Inhabitants being about equally divided, have come to some agreement of neutrality.

"The Account and Number of the Inhabitants of the Town of Putney from the age of 16 and upwards, taken the 10th of August, 1778, [is] as followeth :

"Men of Age that signed to continue under the State of New York, in Number	69
"The account of those of the Inhabitants that have signed and sworn to the State of Vermont, is	96
"The Remaining part of the Inhabitants of Age and under Age, are	41
"Total	136

"Taken by us, the Subscribers, as Committeemen for y^e said Town of Putney.

"James Clay, Samuel Minott.

"Westminster sent no Return; is about equally divided—the Number of Voters for New York about

40

"Rockingham Committee did not come or send.

"In Springfield, For New York	21
"For Vermont	19
"Neuters	4
"Total	44

"In Weathersfield, For New York	11
"For Vermont	12
"Total	23

"No Towns nigher up the River have chosen Committees for the Purpose of opposing the pretended State of Vermont."

Another calculation as to the numerical strength of the Yorkers in Cumberland county, may be stated as follows. When in the month of July, in the year 1780, a company of fifty men was formed in Cumberland county, by the advice of Governor Clinton, for the continental service, every twelfth or thirteenth person of those required to bear arms, was drafted for that purpose. The number of Yorkers, therefore, between the ages of sixteen and sixty, must at that time have amounted to more than six hundred.—See George Clinton Papers in N. Y. State Lib., vol. x. doc. 8081.

APPENDIX K.

THE RECOMPENSE IN LANDS.

Referred to on p. 546.

No. of Lot.	Name of Grantee.	Part of Lot.	No. of Acres.	When Granted.
35	Timothy Church, . . .	whole	640	July 11th, 1786
36	William Shattuck, . . .	"	640	" " "
37	Hezekiah Stowell, . . .	"	640	" " "
38	Joseph Wells, . . .	1st	360	" " "
	Asa Parker, . . .	2d	280	" " "
39	James Davidson, . . .	1st	600	" " "
	James Wallace, . . .	2d	140	" " "
40	David Thurber, . . .	whole	640	" " "
	Shubael Bullock, . . .	1st	90	" " "
	Daniel Wilkins Jr., . . .	2d	90	" " "
41	Paul Nichols, . . .	2d	140	" " "
	Cyril Carpenter, . . .	4th	220	" " "
	Henry Evans Jr., . . .	5th	100	" " "
42	Nathan Avery, . . .	1st	132	" " "
	Charles Phelps, . . .	2d	608	" " "
	Rutherford Hays, . . .	1st	180	September 14th, 1786
43	James Stewart, . . .	2d	100	" " "
	Ebenezer Roberts, . . .	2d	180	" " "
	John Sherburne, . . .	4th	180	" " "
44	Jonathan Dunkley, . . .	1st	176	July 11th, 1786
	Elijah Prouty, . . .	2d	465	" " "
45	Philip Frisbee and others,	whole	640	February 26th, 1793
	Joshua Lynd, . . .	1st	180	September 14th, 1786
46	Zephaniah Shepardson, . . .	2d	100	" " "
	Giles Roberts, . . .	2d	180	" " "
	Lemuel Lynd, . . .	4th	180	" " "
47	Timothy Church, . . .	whole	640	July 11th, 1786
	John Olden, . . .	1st	180	" " "
48	Seth Clark, . . .	2d	180	" " "
	James Packer, . . .	2d	320	" " "
49	David Goodenough, . . .	1st	340	" " "
	Edward Carpenter, . . .	2d	300	" " "
50	Gospel and Schools, . . .	whole	640	April 6th, 1786
51	For Promoting Literature, . . .	"	640	" " "
52	Francis Prouty, . . .	"	640	July 11th, 1786
53	William Shattuck, . . .	"	640	" " "
54	Seth Smith, . . .	"	640	September 12th, 1786
	Newell Earl, . . .	1st	200	July 11th, 1786
55	Joseph Coleman, . . .	2d	240	" " "
	Josiah Rice, . . .	1st	200	" " "
	Edmund Bemua, . . .	1st	220	" " "
56	David Thurber Jr., . . .	1st	200	" " "
	Asa Stowell, . . .	2d	220	" " "
	Joseph Whipple, . . .	1st	180	" " "
57	Dean Chase, . . .	2d	180	" " "
	Daniel Whitney, . . .	3d	180	" " "
	Artemas Goodenough, . . .	4th	180	" " "

No. of Lot.	Name of Grantee.	Part of Lot.	No. of Acres.	When Granted.
58	Reuben Smith,	■	170	July 11th, 1786
	Ephraim Knapp,	■	100	" " "
	Artemas How,	3d	■	" " "
	David How,	4th	170	" " "
59	Samuel Curtis,	1st	180	" " "
	John Gault,	2d	280	" " "
	Hale Salisbury,	3d	180	" " "
60	Timothy Church,	whole	640	" " "
61	Philip Frisbee and others,	"	640	February 26th, 1793
62	Amos Yaw Jr.,	1st	214	July 11th, 1786
	Nathan Culver,	2d	212	" " "
	Ichabod Packer,	3d	214	" " "
	Samuel Clark,	1st	180	" " "
63	Hezekiah Stowell,	2d	200	" " "
	Orlando Bridgman,	3d	■	" " "
	John Adams,	1st	160	" " "
64	Jonathan Stoddard Jr.,	2d	160	" " "
	Benjamin Ballow,	3d	■	" " "
	Charles Packer,	4th	160	" " "
65	William Shattuck,	whole	640	" " "
66	Oliver Teall,	1st	260	" " "
	Joseph Chamberlain,	2d	380	" " "
	Jonathan Church,	1st	217	" " "
67	Joseph Sheperdson,	2d	263	" " "
	John Collins,	3d	160	" " "
68	Joseph Peck,	whole	■	" " "
69	Asa Clark,	■	97	" " "
	Matthew Ellis,	2d	97	" " "
	Ithamar Goodenough,	■	96	" " "
	Asaph Carpenter,	4th	350	" " "
70	John Burrows,	1st	180	" " "
	Timothy Phelps,	2d	280	" " "
	Samuel Codworth,	3d	180	" " "
71	Timothy Church,	whole	■	" " "
72	Joshua Nurse,	1st	77 0 30	September 12th, 1786
	Simon Calkins,	2d	96 1 25	" " "
	Jotham Spaulding,	■	96 1 25	" " "
73	Beth Smith,	4th	347 0 10	" " "
	Henry Evans,	whole	640	July 11th, 1786
	Noah Sheperdson,	1st	90	" " "
74	Joel Bigelow,	2d	350	" " "
	Joshua Nurse,	3d	200	" " "
	Thomas Baker,	1st	260	March 20th, 1788
75	Samuel Bixby,	2d	380	" " "
	Amariah Parks,	1st	92 0 30	September 14th, 1786
76	Israel Smith,	2d	497 3 10	" " "
	John Alexander,	1st	280	July 11th, 1786
	Reuben Church,	2d	■	" " "
77	Isaac Crosby,	3d	180	" " "
	William Shattuck,	whole	640	" " "
78	Henry Evans,	"	640	" " "
79	Henry Evans,	"	640	" " "
80	William Guthrie,	"	640	March 20th, 1788
	William Guthrie Jr.,	"	640	" " "
81	Reuben Kirby,	"	640	July 11th, 1786
82	William Shattuck,	"	640	" " "
83	William White,	"	640	" " "

No. of Lot.	Name of Grantee.	Part of Lot.	No. of Acres.	When Granted.
84	Timothy Church, . . .	whole	640	July 11th, 1786
	Francis Comins, . . .	1st	128	September 12th, 1786
85	James Comins, . . .	2d	256	" " "
	James Comins Jr., . . .	3d	128	" " "
	William Pierce, . . .	4th	128	" " "
86	Francis Prouty, . . .	1st	540	July 11th, 1786
	Isaac Kendall, . . .	2d	100	" " "
87	Abraham Avery, . . .	1st	430	" " "
	William Gault, . . .	2d	210	" " "
88	Daniel Ashcraft, . . .	whole	640	" " "
	Jacob Stoddard, . . .	1st	170	" " "
89	David Lamb, . . .	2d	300	" " "
	Samuel Earl, . . .	3d	170	" " "
90	Timothy Church, . . .	whole	640	" " "
	Adonijah Putnam, . . .	1st	212	" " "
91	Thomas Whipple, . . .	2d	214	" " "
	Samuel Noble, . . .	3d	214	" " "
	Amos Yaw, . . .	1st	193 3 27½	" " "
92	Eleazer Tobe, . . .	2d	193 3 27½	" " "
	David Culver, . . .	3d	203 0 25	" " "
	Elijah Curtis, . . .	1st	180	" " "
93	Elijah Clark, . . .	2d	100	" " "
	Caleb Ellis, . . .	3d	180	" " "
	Isaac Slater, . . .	4th	180	" " "
	Jonathan Stoddard, . . .	1st	200	" " "
94	David Thurber Jr., . . .	2d	200	" " "
	Caleb Nurse, . . .	3d	240	" " "
	Moses Yaw, . . .	1st	180	" " "
95	Israel Field, . . .	2d	180	" " "
	Daniel Shepardson, . . .	3d	280	" " "
	Jotham Bigelow, . . .	1st	168	" " "
96	Nathaniel Carpenter, . . .	2d	263	" " "
	Samuel Colefax, . . .	3d	168	" " "
	Elisha Pierce, . . .	1st	200	" " "
97	Richard B. Church, . . .	2d	180	" " "
	Eleazer Church, . . .	3d	260	" " "
	Jonathan S. Alexander, . . .	1st	220	" " "
98	Samuel Melendy, . . .	2d	420	" " "
	Obadiah Wells, . . .	1st	220	September 14th, 1786
99	Joseph Elliott, . . .	2d	420	" " "
	Hezekiah Broad, . . .	1st	328 0 20	July 11th, 1786
100	Benjamin Baker, . . .	2d	90 3 30	" " "
	Ephraim Rice, . . .	3d	90 3 30	" " "
	Joseph Garcey, . . .	4th	90	" " "

Township No. 2, or Clinton, was surveyed by Simeon De Witt, on the 6th of April, 1786, and at the same time was divided into one hundred lots, each of which it was intended should contain 640 acres. Lot No. 50 was appropriated to the use of "Gospel and Schools," and lot No. 51 "For promoting Literature." On the 6th of May following, the commissioners of the land office resolved to compensate those who had suffered in opposing the government of Vermont, by giving to them lots Nos. 35-100, inclusive, comprising, as was supposed (lots 50 and 51 being excepted), sixty-four lots, or 40,960 acres. On the 11th of July, in the same year, the commissioners divided fifty-four lots, or 34,560 acres, among the one hundred and seven persons who had been reported by Timothy Church and William Shattuck, as deserving of reward, and reserved ten lots, or 6,400 acres, for the purpose of satisfying the

claims of such of the sufferers as were not included in the list which Church and his friends had presented. On this occasion, lot No. 81 was granted, 260 acres of it to Thomas Baker, and 380 acres to Samuel Bixby. Subsequently it was ascertained that improvements had been made on this lot, by persons to whom it did not belong. The owners of the land appear to have treated the squatters with kindness. An amicable adjustment of difficulties was the result. By an act of the Legislature, passed March 20th, 1788, power was given to the commissioners of the land office to grant to William Guthrie, William Guthrie Jr., and Reuben Kirby, the squatters before referred to, lot No. 81, and by the same act, lot No. 75 was granted to Thomas Baker and Samuel Bixby, in place of lot No. 81.

On the 12th and 14th of September, 1786 the commissioners granted seven lots or 4480 acres to a number of the "sufferers" whose names had not been included in the former enumeration. The demands of the citizens of New York who had resided in Vermont having been satisfied, the Legislature of New York by an act passed March 20th, 1788, gave to the commissioners power "to issue a grant" of two of the lots that had not been disposed of, viz., lots Nos. 45 and 61, containing each 640 acres, to Philip Frisbee, Samuel Frisbee, Philip Frisbee Jr., Ephraim Guthrie, Eben Landers, Seth Stone, Gould Bacon, Herman Stone, Nathaniel Benton Jr., Joseph Landers, Roderick Moore, and their associates. Before they could "severally be entitled to receive their respective grants," they were required to "pay into the treasury of this state, in any public securities, signed by the treasurer of this state, at the rate of one shilling and three pence per acre for the lands to be granted to them respectively." A patent was issued in accordance with this act, on the 26th of February, 1793.

An examination of the above table, will show that lots Nos. 72, 76, 92, 96, and 100, contained respectively 617, 590, 591, 599, and 600 acres of land, instead of 640 each. The reason of this discrepancy appears in the following extract, from the records of a meeting of the commissioners of the land office, held at the house of Matthew Visscher, in Albany, on the 12th of January, 1789:—"On running the east line of the said township of Clinton from the Delaware to the mouth of the Unadilla (the course of which line is north $4^{\circ} 47'$ east), the lots adjoining to this line fell short of 640 acres each, at which they were computed when first ballotted for, as will appear by the minutes of this board. But in this entry such of the said lots as were formerly ballotted to two or more persons, viz., lots Nos. 72, 76, 92, 96, and 100, are divided among their respective proprietors in the same proportions with respect to the true quantity of each lot, as they were divided before on the supposition that they contained the quantity of 640 acres each." Land Office Minutes, in office Sec. State, N. Y., 1784-1788, i. 169, 170, 194-198, 220, 221, 224, 225, 256, 262, 263: 1788-1796, ii. 3, 17, 27-32, 51, 27, 281. Laws of N. Y., 11th session, Greenleaf's ed., ii. 198, 199. Map No. 57, in office Sec. State N. Y. Journal, Senate N. Y., 13th session, 2d meeting, pp. 46, 49.

APPENDIX L.

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APPENDIX L.

DIVISION OF THE \$30,000.

Referred to on p. 565.

Number of each Claim.	Name of Claimant.	Sum to which each Claimant is entitled.
No. 1	Samuel Avery	\$3656 03
" 2	James Abeel	211 11
" 3	Goldsbrow Banyar	7218 94
" 4	John Bowles	748 26
" 5	Catharine Bowles	49 91
" 6	James Beeckman	72 56
" 7	William Banyar	309 42
" 8	Thomas B. Bridgen	162 65
" 9	Samuel Bard	149 72
" 10	Robert Bowne	49 91
" 11	William Cockburne	1496 95
" 12	Ebenezer Clark	37 42
" 13	James McCarra	24 98
" 14	Alexander Cruikshank	37 00
" 15	Cadwallader Colden, Thomas Colden, Alexander Colden, and Josiah Ogden Hoffman, surviving Executors of Cadwallader Colden, deceased	449 15
" 16	Richard Carey and Ann his wife	122 82
" 17	Henry Cruger	149 72
" 18	Thomas Clark	247 11
" 19	Archibald Campbell	49 91
" 20	Archibald Currie	9 98
" 21	William McDougall	37 42
" 22	James Chatham Duane, William North, and Mary his wife, Sarah Duane, Catharine Livingston Duane, and Adelia Duane	2621 29
" 23	Gerardus Duycking Jr.	49 91
" 24	John De Lancey	49 91
" 25	Obadiah Dickenson	49 91
" 26	Alexander McDougall	34 93
" 27	George Etherington	98 82
" 28	Thomas Etherington	74 11
" 29	James Farquhar	99 81
" 30	Jellis A. Fonda	49 90
" 31	John Galbreath	99 81
" 32	James Guthrie	37 42
" 33	William Giles	5 49
" 34	Joseph Griswold	147 73
" 35	John Goodrich	199 69
" 36	Charles Hutchins	9 98
" 37	Jonathan Hunt	948 23
" 38	John Hensdale	49 91
" 39	John Johnston	124 77
" 40	Luke Knowlton	149 21
" 41	Peter Kemble	199 42
" 42	Abraham Lot	698 69
" 43	John Lawrence	49 91
" 44	Robert Lewis	119 78
" 45	Joel Lyman	49 91
" 46	Elijah Lyman	49 91
" 47	Catharine Metcalf, Executrix of Simon Metcalf, deceased	1417 47

Number of each Claim.	Name of Claimant.	Sum to which each Claimant is entitled.
No. 48	Catharine Metcalf	\$99 81
" 49	Thomas Norman and Elizabeth Martha his wife .	718 60
" 50	Jane Nesbit	12 48
" 51	Elias Nixon	24 95
" 52	Barbara Ortley	134 75
" 53	Eleazer Porter	49 91
" 54	John McPherson	99 81
" 55	Isaac Rosevelt	399 25
" 56	Peter Sim	37 42
" 57	Samuel Stevens	653 63
" 58	William Smith	1181 69
" 59	Jacob Shefflin	97 32
" 60	Francis Stevens	199 63
" 61	Diana Smith	49 91
" 62	Mary, Elizabeth, Esther, and Rachel Schlatter, sur- viving executors of Michael Schlatter, deceased .	99 81
" 63	John M. Scott	49 91
" 64	John Titts	9 98
" 65	Samuel Thatcher	149 71
" 66	Peter Van Schaak	199 63
" 67	William Wickham	149 72
" 68	Brooke Watson	1197 76
" 69	Gerard Walton	49 91
" 70	John Watts	99 82
" 71	William Walton	199 63
" 72	George Wray	39 92
" 73	Staltham Williams	199 63
" 74	John Bard	449 15
" 75	John Plenderleaf	1096 68
" 76	Samuel Partridge	49 91
Total		\$30,000 00

Doc. Hist. N. Y., iv. 1024, 1025.

LIST OF THE CIVIL AND MILITARY OFFICERS OF CUMBERLAND AND GLOUCESTER COUNTIES.

Those persons who were appointed to office previous to April 3d, 1775, held commissions under the British province of New York. Those persons who were appointed to office from April 3d, 1775, to September 1st, 1777, derived authority from the New York Provincial Congress and the Convention of the state of New York. Those persons who were appointed to office subsequent to September 1st, 1777, received commissions by virtue of the Constitution of the state of New York.

CUMBERLAND COUNTY.

CIVIL OFFICERS.

DEDIMUS POTESTATEM COMMISSIONERS TO ADMINISTER OATHS OF OFFICE.

On the 20th of January, 1766, a few months previous to the establishment of Cumberland county, a *dedimus potestatem* commission to administer oaths of office was granted to Thomas Chandler, William Gilliland, and Isaac Man, for the whole of the New Hampshire Grants, at that time included within the limits of Albany county.

Date of Commission.	NAMES.
July 17, 1766.	Thomas Chandler, Joseph Lord, Samuel Wells, John Chandler.
April 7, 1768.	Thomas Chandler, Joseph Lord, Samuel Wells, John Chandler.
April 14, 1772.	Samuel Wells, Crean Brush.
May 5, 1774.	Samuel Gale.
May 15, 1777.	John Sessions, John Stevens.
October 24, 1778.	Pelatiah Fitch, John Sessions, James Clay, Micah Townsend.
June 5, 1782.	Charles Phelps, James Clay, Hilkiah Grout.

COMMISSIONERS OF THE COURT.

Date of Commission.	NAMES.
February 18, 1774	Samuel Wells, Crean Brush, Samuel Knight.

COMMISSIONERS TO RECEIVE THE PROPERTY OF THOSE WHO HAD JOINED THE ENEMY.

Date of Commission.	NAMES.
March 6, 1777.	James Clay, Amos Robertson, Israel Smith.

COMMISSIONER OF FORFEITURE.

Date of Commission.	NAME.
February 25, 1780.	John Sergeant.

JUDGES OF INFERIOR COURT OF COMMON PLEAS.

Date of Commission.	NAMES.
July 16, 1766.	Thomas Chandler, Joseph Lord, Samuel Wells.
April 7, 1768.	Thomas Chandler, Joseph Lord, Samuel Wells.
April 14, 1772.	Thomas Chandler, Joseph Lord, Samuel Wells, Noah Sabin.
August 18, 1778.	Pelatiah Fitch, John Sessions, James Clay.

ASSISTANT JUSTICES OF INFERIOR COURT OF COMMON PLEAS.

Date of Commission.	NAMES.
July 16, 1766.	Oliver Willard, John Arms, James Rogers, Zedekiah Stone, Benjamin Bellows, Thomas Chandler Jr., John Chandler.
April 7, 1768.	Oliver Willard, Thomas Chandler Jr., John Chandler, Samuel Stevens, Nathan Stone, William Willard, Thomas Bridgman.
April 14, 1772.	James Rogers, Nathan Stone, William Willard, Stephen Greenleaf, Thomas Chandler Jr., Benjamin Butterfield.
August 18, 1778.	Eleazer Patterson, Hilkiah Grout, Stephen Greenleaf.

JUSTICES OF THE COURT OF OYER AND TERMINER AND GENERAL JAIL DELIVERY.

Date of Commission.	NAMES.
June 5, 1782.	Charles Phelps, James Clay, Eleazer Patterson, Hilkiah Grout, Simon Stevens, Elijah Prouty, Michael Gilson.*

* At this time Richard Morris was Chief Justice of the Supreme court of the state of New York, and Robert Yates and John Sloss Hobart were *puisne* Justices of the same court. The presence of either Morris, Yates, or Hobart was necessary to form a court of Oyer and Terminer, etc.

JUSTICES OF THE PEACE.

On the 20th of January, 1766, a few months previous to the establishment of Cumberland county, the following persons were appointed justices of the peace for the whole of the New Hampshire Grants at that time included within the limits of Albany county, viz.:—Thomas Chandler, William Gilliland, Joseph Lord, Isaac Man, Robert Harpur, Jacob Bayley, Samuel Wells, Nathan Stone, Oliver Willard, John Arms, James Rogers, Benjamin Whiting, John Chandler, Benjamin Bellows Jr., John Griffiths, Thomas Morrison, Samuel Robinson, George Palmer, John Stoughton, John Watson, Alexander MacNachten.

Date of Commission.	NAMES.
July 16, 1766.	Thomas Chandler, Joseph Lord, Samuel Wells, Oliver Willard, John Arms, James Rogers, Zedekiah Stone, Benjamin Bellows, Thomas Chandler Jr., John Chandler, William Willard, John Church, Thomas Bridgman, Bildad Andross, Israel Curtis.
April 7, 1768.	Thomas Chandler, Joseph Lord, Samuel Wells, Oliver Willard, Thomas Chandler Jr., John Chandler, Samuel Stevens, Nathan Stone, William Willard, Thomas Bridgman, Bildad Andross, Israel Curtis, Henry Wells, Simon Stevens.
April 14, 1772.	Thomas Chandler, Joseph Lord, Samuel Wells, Noah Sablin, James Rogers, Nathan Stone, William Willard, Stephen Greenleaf, Thomas Chandler Jr., Benjamin Butterfield, Bildad Andross, Israel Curtis, Simon Stevens, Zadock Wright, Samuel Nichols, William Williams, John Bridgman, David Joy, Ephraim Ranney, Oliver Lovell, John Bolton, Jonathan Burk, Luke Knowlton, John Winchester Dana.
June 5, 1782.	Charles Phelps, James Clay, Eleazer Patterson, Hilkiah Grout, Simon Stevens, Elijah Prouty, Michael Gilson, Samuel Bixby, Daniel Shepardson, H Ezekiah Stowell, Bethuel Church, John Pannel, Nathan Fish, Joseph Winchester, Daniel Kathan.

COUNTY CLERKS.

Date of Commission.	NAMES.
July 16, 1766.	John Chandler.
April 7, 1768.	John Chandler.
February 25, 1772.	Crean Brush, vice John Chandler, removed.
March 7, 1774.	Samuel Gale, vice Crean Brush, resigned.
August 18, 1778.	Micah Townsend.

SHERIFFS.

Date of Commission.	NAMES.
July 16, 1766.	Nathan Stone; term expired October 14, 1767.
March 31, 1768.	John Arms; appointed for eighteen and a half months.
October 18, 1769.	John Arms; served six months.
April 17, 1770.	Daniel Whipple; appointed for unexpired term.
October 12, 1770.	Daniel Whipple.
October 12, 1771.	Daniel Whipple.
October 6, 1772.	Daniel Whipple; served part of term.
October 1, 1773.	William Paterson.
October 4, 1774.	William Paterson.
July 10, 1775.	Jesse Burke.*
May 5, 1777.	Paul Spooner.†
August 18, 1778.	Simeon Edwards.
March 6, 1779.	Simeon Edwards.
February 18, 1780.	Simeon Edwards.
June 5, 1782.	Timothy Phelps.
* He was sheriff on the 10th of July, 1775, but the date of his appointment is not known. † Declined the appointment by letter received by the Provincial Congress on the 15th of July, 1777.	

SURROGATES.

Date of Commission.	NAMES.
July 16, 1766.	Thomas Chandler.
March 31, 1768.	Thomas Chandler.
April 14, 1772.	Orean Brush.
August 18, 1778.	James Clay.

CIVIL LIST.

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CORONERS.

Date of Commission.	NAMES.
January 20, 1766.	Timothy Olcott.
July 16, 1766.	Timothy Olcott, Samuel Taylor.
April 7, 1768.	Timothy Olcott, Amos Tute.
August 18, 1778.	Samuel Warriner, Oliver Kidder.
March 6, 1779.	Samuel Warriner, Oliver Kidder.
February 18, 1780.	Samuel Warriner, Oliver Kidder.

ATTORNEYS AT LAW.

Date of Commission.	NAMES.
March 31, 1768.	Solomon Phelps.
April 26, 1770.	Micah Townsend.
July 22, 1771.	Charles Phelps.
June 23, 1772.	Samuel Knight.

REPRESENTATIVES IN THE COLONIAL GENERAL ASSEMBLY OF NEW YORK ELECTED BY THE PEOPLE.

Commencement of Session.	NAMES.
January 5, 1773.	Samuel Wells, Crean Brush.
January 6, 1774.	Samuel Wells, Crean Brush.
January 10, 1775.	Samuel Wells, Crean Brush.

DEPUTIES IN THE NEW YORK PROVINCIAL CONGRESS, AND CONVENTION OF THE STATE OF NEW YORK, ELECTED BY THE PEOPLE.

Commencement of Session.	NAMES.
May 23, 1775.	John Hazeltine, Paul Spooner, William Williams.
November 14, 1775.	William Williams, Paul Spooner.
May 14, 1776.	William Williams, Joseph Marsh.
July 9, 1776.	Joseph Marsh, Simon Stevens, John Sessions.

MEMBERS OF ASSEMBLY OF THE STATE OF NEW YORK ELECTED BY THE PEOPLE.

Commencement of Session.	NAME.
August 18, 1779.	Elkanah Day, John Sessions, Micah Townsend.
January 21, 1784.	Joel Bigelow, Elijah Prouty, William Shattuck.

SENATOR IN THE NEW YORK LEGISLATURE.

Commencement of Session.	NAME.
September 10, 1781.	Elkanah Day.

GLOUCESTER COUNTY.

CIVIL OFFICERS.

DEDIMUS POTESTATEM COMMISSIONERS, TO ADMINISTER OATHS OF OFFICE.

Date of Commission.	NAME.
March 17, 1770.	John Taplin, Samuel Sleeper, Thomas Sumner, John Peters.
April 10, 1772.	Jacob Bayley, John Peters.
May 15, 1777.	Jacob Bayley.

COMMISSIONERS TO RECEIVE THE PROPERTY OF THOSE WHO HAD JOINED THE ENEMY.

Date of Commission.	NAME.
May 2, 1777.	Peter Olcott, Jacob Kent, Israel Smith.

JUDGES OF INFERIOR COURT OF COMMON PLEAS.

Date of Commission.	NAME.
March 17, 1770.	John Taplin, Samuel Sleeper, Thomas Sumner.
April 10, 1772.	John Taplin, Jacob Bayley, Thomas Sumner.
October 26, 1774.	John Peters.

ASSISTANT JUSTICES OF INFERIOR COURT OF COMMON PLEAS.

Date of Commission.	NAMES.
March 17, 1770.	James Pennoek, Israel Smith, Abner Fowler, John Peters.
April 10, 1772.	James Pennoek, Jacob Kent, John Hatch, Joel Marsh.

JUSTICES OF THE PEACE.

Date of Commission.	NAMES.
March 16, 1770.	John Taplin, Samuel Sleeper, Thomas Sumner, James Pennoek, Israel Smith, Abner Fowler, John Peters, Thomas Chamberlain, Jonathan Sumner.
April 10, 1772.	John Taplin, Jacob Bayley, Thomas Sumner, James Pennoek, Jacob Kent, John Hatch, Joel Marsh, Thomas Chamberlain, Benjamin Whitecomb, Samuel Hale.
October 26, 1774.	John Peters.

COUNTY CLERKS.

Date of Commission.	NAMES.
March 17, 1770.	John Peters.
March 5, 1772.	John Peters.
June 30, 1774.	John Lawrence, <i>vice</i> John Peters.

SHERIFFS.

Date of Commission.	NAMES.
March 17, 1770.	John Taplin Jr.
October 6, 1772.	John Taplin Jr.
November 19, 1774.	John Taplin Jr.
May 6, 1777.	Nathaniel Merrill.

CORONER.

Date of Commission.	NAME.
November 11, 1772.	Ephraim Bayley.

ATTORNEY-AT-LAW.

Date of Commission.	NAME.
January 20, 1775.	John Lawrence.

DEPUTY IN THE NEW YORK PROVINCIAL CONGRESS.

Commencement of Session.	NAME.
May 23, 1775.	Jacob Bayley.*
* General Bayley did not take his seat.	

CUMBERLAND AND GLOUCESTER COUNTIES.

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MILITARY OFFICERS.

THE records relative to the military appointments in Cumberland and Gloucester counties, are very imperfect, The statements which follow have been compiled from various sources. In May, 1775, an attempt was made by the New York Provincial Congress, to establish a military organization on the New Hampshire Grants, and, on the 31st of that month, the commission of brigadier-general of a brigade which it was intended should comprise the militia of Cumberland, Gloucester, and Charlotte counties, was offered to Col. James Rogers of Kent, now Londonderry, and was by him refused. In June, 1775, Major William Williams, Major Benjamin Wait, and Captain Joab Hoisington offered their services to the New York Provincial Congress, respectively, as colonel, lieutenant-colonel, and major of a regiment of militia. About the same period, a design was entertained of creating two regiments in Cumberland county, one of which was to be called the lower regiment, and the other the upper regiment. On the 15th of August, 1775, at Springfield, Simon Stevens, Joseph Marsh, and Benjamin Wait, appended their names, as field officers, to the following "true list of the officers in the upper regiment in Cumberland county, chosen by their respective companies."

UPPER REGIMENT.

Towns.	Captains.	Lieutenants.	Ensigns.
Windsor . .	.	William Cooper.	Ebenezer Curtis.
Springfield .	Abner Bisbee.	Timothy Spencer.	Nathaniel Weston.
Chester . .	George Earl.	Jonathan Tarbell.	Amos Gile.
Weathersfield	Hilkiah Grout.	Israel Burlingame.	Oliver Kidder.
Woodstock .	Joab Hoisington.	Benjamin Emmons.	William Powers.
Hartford .	Joel Marsh.	Benjamin Wright.	Alexander Brink.
Hertford .	Timothy Lull.	Aaron Willard.	Asa Taylor.
Pomfret . .	Oliver Udall.	John Perin.	Zebulon Lyon.
Cavendish .	John Coffein.	Thomas Gilbert.	Phinehas Kimball.

On the 22d of August, 1775, the New York Provincial Congress voted that the militia of the counties of Charlotte, Cumberland, and Gloucester should be formed into one brigade. On the 21st of November following, the field officers for the lower and upper regiments, and for a regiment of minute-men, were nominated at a convention of representatives from the towns in Cumberland county, held at Westminster. On the 4th of January, 1776, during the recess of the New York Provincial Congress, the committee of safety for that colony confirmed the nominations of the officers for the upper regiment and the regiment of minute-men, but refused to act upon the nominations of the officers for the lower regiment, on account of the political character of some of those whose names were presented. Those to whom commissions were given, were, for the

UPPER REGIMENT.

Colonel.	Lieut.-Colonel.	First Major.	Second Major.	Adjutant.	Quartermaster.
Joseph Marsh.	John Barrett.	Hilkiah Grout.	Joel Matthews.	Tim. Spencer.	Amos Robinson.

REGIMENT OF MINUTE MEN.

Colonel.	Lieut.-Colonel.	First Major.	Second Major.	Adjutant.	Quartermaster.
Joab Hoisington.	Seth Smith.	Joseph Tyler.	Joel Marsh.	Tim. Phelps.	Elisha Hawley.

On the 1st of February, 1776, the following officers for the lower regiment were nominated at a convention held at Westminster. These nominations were confirmed on the 1st of March following, by the New York Provincial Congress.

LOWER REGIMENT.

Colonel.	Lt.-Colonel.	First Major.	Second Major.	Adjutant.	Quartermaster.
Wm. Williams.	Benj. Carpenter.	Oliver Lovell.	Abijah Lovejoy.	Sam'l Minott Jr.	Sam'l Fletcher.

On the 6th of February, 1776, in a letter dated at Guilford, Benjamin Carpe chairman of the committee of safety for Cumberland County, communicated to New York Provincial Congress, the annexed list of militia officers, chosen in the several towns comprised within the lower regiment. The nominations were signed on the 1st of March.

COMPANIES IN THE LOWER REGIMENT.

TOWNS.	Captains.	First Lieutenants.	Second Lieuts.	Ensigns.
Guilford . .	Steph. Shephardson	David Stowell	Timothy Root	Dillingham John
Battleborough	John Sergeant	Oliver Cooke	Timothy Church	John Alexander
Fulham . . .	Jonathan Knight	Josiah Boyden	Daniel Nathan	Shepard Gates
Westminster .	John Averill	Jabez Perry	Azariah Wright	William Crook
Putney . . .	Abijah Moore	Daniel Jewett	Ephraim Clay	Ephraim Pierce
Halifax . . .	Daniel Rich	Benjamin Henry	Robert Patterson	Edward Harris

On the 23d of May, 1776, at a convention called for the committees of safety the counties of Cumberland, Gloucester, and Charlotte, and held at Windsor, J Bayley, of Newbury, was chosen brigadier-general, and Simon Stevens, brigadier major of the brigade comprising those three counties.

For the purpose of affording protection against the savages, the New York convention determined, on the 23d of July, 1776, to establish ranging companies in more exposed counties of the state. Cumberland and Gloucester counties ordered to raise two hundred and fifty-two men. On the following day, Josiah Livingston was appointed major of the rangers in the two counties. On the 6th of August, 1776, the committees of safety for Cumberland and Gloucester counties met at Windsor, and nominated the officers for the four companies into which the men were to be formed. After considerable delay, the nominations, with a few exceptions, were confirmed by the New York Convention. Commissions were granted to the following officers on the 10th of October, 1776, and on the 23d of the month they were sworn to the faithful discharge of their duties.

COMPANIES OF THE RANGERS.

Captains.	First Lieutenants.	Second Lieutenants.
Benjamin Wait, John Strong, Joseph Hatch, Abner Scelye.*	Kisha Hawley, Eldad Benton, Simon Stevens, Benjamin Whitney.	Zebulon Lyon, John Barnes, Amos Chamberlain Jehiel Robbins.

* Scelye resigned his commission on the 22d of December, 1776.

Meantime the brigade comprising the counties of Cumberland, Gloucester, Charlotte was divided. The militia of the two former counties were formed into brigade; the militia of the latter into another. The command of the Cumberland and Gloucester brigade was given to Brigadier-General Jacob Bayley, and to Brigadier Major Simon Stevens, on the 1st of August, 1776.

The militia of Cumberland county were subsequently divided by the Legislature of New York into the northern regiment and the southern regiment. The officers of the southern regiment, who received their commissions from the Council Appointment of that state, on the 18th of August, 1776, were as follows:—

SOUTHERN REGIMENT.

Colonel.	Lieut.-Colonel.	Major.	Adjutant.	Quartermaster.
Eleazer Patterson	John Sergeant	Elkanah Day	Henry Sherburne	Richard Prouty

The companies which were established in this regiment are named in the annexed list:—

COMPANIES IN THE SOUTHERN REGIMENT.

Towns.	Captains.	First Lieutenants.	Second Lieuta.	Ensigns.
Hinsdale . .	Reuben Field	Timothy Root	Jonathan Church	Weightstill Orvis
Guilford . .	Asa Rice	Pelatiah Fitch Jr.		Micah Rice
Halifax . .	John Pannel	James Blakslee	James Clay Jr. Ephraim Ranney	Joseph Stewart Jr.
Brattleborough	Timothy Church	Daniel Kathan		Samuel Root
Fulham . .	Josiah Allen	Daniel Cushing		Shepard Gates
Putney . .	Lucas Wilson†	Michael Gilson		Nathaniel Lord
Westminster .	Michael Gilson	Isaac Reed*		Benj. Whitney
Rockingham .	Moses Wright*			Ashur Evans*

Those officers designated by a *, were appointed on the 24th of October, 1778. That officer designated by a †, was appointed on the 19th of October, 1779. The remainder were appointed on the 18th of August, 1778. On the 19th of October, 1779, James Clay Jr., and Daniel Cushing exchanged places in the Putney Company.

The companies which were formed in the northern regiment were these:—

COMPANIES IN THE NORTHERN REGIMENT.

Towns.	Captains.	First Lieutenants.	Second Lieuta.	Ensigns.
Weathersfield .	Eliphalet Spafford	Oliver Kidder	. . .	Joseph Douglass
Springfield .	Abner Bisbee	John Bisbee		Taylor Spencer

The officers of the Weathersfield Company were appointed on the 24th of October, 1778. Those of the Springfield company on the 20th of October, 1779.

On the 5th of June and the 24th of July, 1782, the following persons were chosen officers of the

SOUTHERN REGIMENT.

Lt.-Col. Comm'd't.	First Major.	Second Major.	Adjutant.	Quartermaster.
Timothy Church	William Shattuck	Henry Evans	Joel Bigelow	Elisha Pierce

On the 24th of July, 1782, the following officers were chosen to the command of the

COMPANIES IN THE SOUTHERN REGIMENT.

Towns.	Captains.	First Lieutenants.	Second Lieuta.	Ensigns.
Brattleborough:				
South Comp'y	Artemas How	Reuben Church	Isaac Crosby	Rutherford Hays
North Comp'y	Richard Prouty	John Alexander	Francis Prouty	Jonat'n Alexander
Guilford:				
First Comp'y	Joseph Peck	William White	Israel Bullock	Joshua Nurse
Second Comp.	Daniel Ashcraft	Jas. Walsworth Jr.	Benoni Cutbeth	Samuel Stafford
Third Comp'y	Joseph Elliott	Elisha Root	Isaac Weld	Simeon Ferrel
Halifax . .	Thomas Baker	Isaac Orr	Daniel Donaldson	David Lamb



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